



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY JULY 13, 2020 VIRTUAL WORKSHOP PUBLIC COMMENTS

Public comments were received from the following:

- Geoff Ellsworth, Mayor of St. Helena, said he appreciates the conversation and where it's going, and supports what Commissioner Mohler said in terms of the Groundwater Sustainability Agency and Plan Advisory Committee. He believes the cross-pollination of information between these two boards will be very informative in to directions to go in terms of understanding how we quantify the resource (water) and make sure we have equitable distribution. In addition, Mayor Ellsworth suggested the Drought Contingency Plan has a lot of information in there that can be woven in to give a more complete picture.

- Jay Gardner, President of Meyers Water Company, said Meyers serves 100 homes with unmetered water connections in the Edgerly Island area on the Napa River, and is regulated by CPUC and the Napa County's Environmental Health Dept. In 2004, Mr. Gardner took over the operations of Meyers Water Company when the owners put the system up for sell. Since 2004, they have seen significant problems and improvements happen including re-casing the well in 2005, complete destruction of the tankage system in the 2014 earthquake, and currently a water emergency happening due to the failure of the 70-year old well. Due to the way the CPUC regulates the water company, the water company is unable to plan for long-term capital improvements. Rather than building up a fund for needed replacements, like the 70-year old well, they had to go to their bank for a loan for a new well, however, the bank refused the loan request due to their financial condition. They eventually got a loan from RCAC (a lender for small rural systems), but only if Mr. Gardner and his wife would personally guarantee that loan. This easily added 6 months to this emergency situation of the failing well, and then COVID-19 made the matter worse. Still, they will need to go CPUC and get the loan and a new well approved.

Mr. Gardner stated he believes this is backwards as to how to fund capital improvements, as it seems they have to wait for things to fail under the current system rather than planning and preparing for the inevitable replacement. Some of the issues the water company is facing is it must meter all customers within 5 years, and replace the 55-year old main line. These are things in their future, yet they have no funding source for these improvements. Mr. Garner stated he and his wife have no desire to further dip into their retirement funds, which they have had to do in the past.

As a small water agency, they are required to adhere to the same water standards as the larger providers, however, they are finding it increasingly difficult to do this job, as this is an unsustainable model.

Mr. Gardner said he appreciates the current water study, as well as LAFCO staff for their efforts.

- Bill Ross, Attorney for City of American Canyon, spoke fondly of the tribute for the late Bill Chiat. Mr. Ross also acknowledged the assistance of LAFCO staff as observed in the presentation, in addressing the issue of the clarification of LAFCO-approved water service area for the City of American Canyon, which goes back to actions taken at the time of incorporation of the City, and the treatment of the former American Canyon County Water District. That clarification is essential to the desired goals and options presented for governance in the County as a whole with respect to water. He hopes to have a resolution of the matter in order to address what is a detailed and complex problem.

Mr. Ross appreciates the assistance of staff, and we will continue to work with them to reach resolution.

- Dan Mufson, Representing Napa Vision 2050, thanked LAFCO staff for this comprehensive report on water which really shows the magnitude of some of the issues that are affecting us, and believes a county-wide service is important, now maybe more than ever, given the growth of the County. He proposes putting together a very comprehensive water budget for metering of all users and reporting so we can ascertain how much water is being used in Napa County.
- Ron Rhyno, City of Napa Resident, spoke about limits to growth, and what is not examined, such as more wineries and vineyards, and how the water requirements used for those activities are not revealed. He also believes the county should begin to monitor water used for wine/agriculture and focus on sustainability of the water for future generations.

August 3, 2020

Brendon Freeman, Executive Officer
Napa County Local Agency Formation Commission (LAFCO)
1030 Seminary Street, Suite B
Napa, California 94559

RE: **DRAFT NAPA COUNTYWIDE WATER AND WASTEWATER MUNICIPAL SERVICE REVIEW**

Dear Mr. Freeman:

Napa County Planning Division and Public Works Department staff have reviewed the Draft Napa Countywide Water and Wastewater Municipal Service Review (DMSR), and request LAFCO consider the following comments at this point in the process. Napa County appreciates your efforts, and those of your consultant, in responding to our prior comments of March 17, 2020, which you requested on the Administrative Draft of this document. The comments below follow on our prior comments and are offered in response to how our prior comments were addressed within the current document.

1. County Staff continue to support LAFCO's recommendation to explore establishment of a centralized water agency, and again would like to emphasize that Napa County decision makers and staff need to be an integral part of the governance structure. All unincorporated Community Service Districts (CSD's) and Community Service Areas (CSA's) should also be included in the agency's management responsibilities.
2. The recommendations for centralized water agency should include direction discouraging annexation of unincorporated areas that currently receive municipal water or sewer service, to protect existing farmland and open space. Establishment of a centralized water agency would suggest that efficient services can be provided by the agency without need for cities to expand.
3. The DMSR recommends the County and cities/town establish a policy regarding trucked water. Napa County staff are open to exploring this topic further. However, we request that LAFCO acknowledge that the County currently regulates trucked water through our discretionary and ministerial permitting processes. The vast majority of existing trucked water sold by municipalities is entirely outside of the County's control, and even outside the cities' control for water purchased from outside the county, through a broker, or other third party.
4. We appreciate that the DMSR was updated to include discussion on the potential disadvantages, and challenges that would be need to be overcome, to create a centralized water agency. We also appreciate that the County was included in the recommendations regarding coordinating efforts on efficient service of water to unincorporated areas. We encourage LAFCO to emphasize that all planning activities for efficient water and sewer service within unincorporated areas only occur in coordination with the County.

5. Thank you for expanding on the historical context of out-of-agency water and sewer development within unincorporated areas. The County again would like to emphasize that virtually all of the water and sewer lines that presently exist outside of city limits occurred prior to the establishment of LAFCO and smart growth policies. These are preexisting conditions, and we urge LAFCO to discourage actions that would lead to annexation of these preexisting municipality-served unincorporated lands.
6. Thank you for augmenting the DMSR regarding Assembly Bill 402 (Dodd) from 2016 regarding the pilot program for municipal services to unincorporated areas, and for including additional information on the Groundwater Sustainability Agency (GSA).
7. Napa County remains concerned with the recommendation to convert LB and NB Resort Improvement Districts to CSA's, but we are open to relooking at the situation. Our concern lies in the absolute need to be able to continue to compel property owners to connect to services. The County has thoroughly investigated reorganization options in the recent past, and previously found the options put forth in DMSR to be infeasible.
8. Napa County staff support the recommendation to defer any governance reorganization actions on the Napa River Reclamation District (NRRD). We appreciate your responsiveness to the concerns we raised in our prior letter.
9. County staff remain concerned that annexation of the Domaine Chandon property to the Town of Yountville is still included as a recommended action, but appreciate that the recommendation was modified to reflect that coordination with the County is necessary. The DMSR provides an incomplete description of the background events leading to the current situation at Domaine Chandon. Yountville allowed the development to proceed in the early 1990's without annexation despite having an annexation agreement with the property owner. The DMSR should evaluate why this occurred before a recommendation can be formed. Also, the recently adopted Sphere of Influence (SOI) boundary does not follow existing property lines, does not account for existing buildings, and bisects the existing land use entitlement (i.e. – winery use permit), all of which represent issues that need to be addressed to enable annexation. It is quite possible that the SOI boundary will need to change before annexation can occur. As such, the DMSR recommendation should be deleted or changed to suggest annexation not occur unless and until new development has been proposed.

We thank you for providing an opportunity to review and comment on the document. If you should have any questions regarding any of the items listed above, please feel free to contact me at 707-253-4805 or david.morrison@countyofnapa.org, or John McDowell at 707-299-1354 or john.mcdowell@countyofnapa.org.

Sincerely,

John McDowell for

David Morrison
Planning, Building and Environmental Service Director

cc: Board of Supervisors
Minh Tran, Napa County CEO
Steve Lederer, Director of Public Works

From: William Ross <wross@lawross.com>
Date: May 14, 2020 at 6:47:30 PM PDT
To: Jennifer Stephenson <JENNIFER@PCATEAM.COM>
Cc: Jason Holley <jholley@cityofamericancanyon.org>, Rick Kaufman <RKaufman@cityofamericancanyon.org>
Subject: RE: Admin Draft 2 Napa Water/Wastewater MSR

This responds informally to your email of May 5, 2020 concerning additional changes to the Draft Countywide Water and Wastewater MSR ("draft MSR"), prior to its being published.

You have indicated that the draft MSR *will not* consider the current existing economic impact of the COVID-19 Pandemic in all involved local agencies analyzed in the draft MSR.

Government Code section 56430 requires that an MSR address the financial ability of agencies to provide services. Even though the draft MSR involves enterprise services, those services are directly related to the overall financial ability of the involved local agencies to provide those services.

The Governor's Executive Order N-28-20 prohibits commercial or residential evictions on the basis of non-payment of utility bills, an immediate impact on enterprise services. The possibility that the Legislature will make permanent some aspects of that Executive Order, which is effective until May 31, 2020, is real.

Also, each of the local agencies subject to the draft MSR are dealing with budget issues resulting from the impact of the COVID-19 Pandemic crisis on dedicated revenue streams.

In addition, much of the draft MSR relies on Urban Water Management Plans formulated in either 2014 or 2015 becoming effective the next year, which are due for revision this fiscal year.

Respectfully, the document would go forward with information that is either presently out of date or will be out of date during its consideration, and certainly with respect to its prospective implementation within the next fiscal year.

The City again raises the issue about the portrayal of its Water Service Area, which was created concurrently with the City's incorporation with the merger of the American Canyon County Water District.

Although LAFCO does have the power to define extension of services in Resolution No. 07-27, it cannot do so in a way which contradicts the original LAFCO change of organization, which confirmed the City succeeding to the entire service area of the former County Water District.

We refer again to our March 5, 2020 communication with respect to the original LAFCO documents dealing with the City incorporation as being different from the consultant's baseline assumption for the MSR preparation. Representations of the City Water Service Area should be consistent with the LAFCO documents presented.

Stated plainly, actions of a quasi-legislative body (LAFCO) must comply with the equal dignity doctrine. See, *Richmond v. Shasta Community Services Dist.* (2002) 95 Cal. App. 4th 1227-1228. What

was created by a change of organization must be changed by a change of organization. This issue is relevant in consideration of alternative forms of service from the plain perspective of the MSR not dealing with the possibility that if some other entity is to provide service to the service area of the City, then it must be done by a change of organization with provisions for compensation. Thank you for the opportunity to comment on the draft MSR prior to publication.

William D. Ross, Esq.

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Law Offices of
William D. Ross
A Professional Corporation

File No.199/6.20

VIA ELECTRONIC TRANSMISSION

TO: Jason Holley, City Manager
City of American Canyon

DATE: June 8, 2020

FROM: William D. Ross, City Attorney

CC:

RE: Further Analysis of Incorporation Documents and Incorporation FEIR
Subsequent to Meeting with LAFCO Staff on County LAFCO Water and
Wastewater MSR

Subsequent to the Friday, June 5, 2020 teleconference meeting with selected individuals associated with the Napa County LAFCO (“LAFCO”) concerning the proposed Water and Wastewater MSR (the “MSR”), documents were again reviewed for *any* evidence or inference of a contraction of the Water Service Area (“WSA”) of the American Canyon County Water District (“ACCWD”) prior to incorporation of the City of American Canyon (“City”). The incorporation was one change of organization including the City succeeding to the ACCWD WSA and the formerly independent American Canyon Fire Protection District (“ACFPD”) becoming a successor special district to the City.

The documents reviewed were:

1. The 1990 Incorporation Draft Environmental Impact Report (“DEIR”), including Appendices Parts 1, 2 and 3;
2. The Final Environmental Impact Report (“FEIR”), both exclusive and inclusive of all DEIR documents; and,
3. The 1991 City Incorporation Documents (LAFCO Resolution 91-18, *et al.*)

Jason Holley, City Manager
City of American Canyon
June 8, 2020
Page 2

Consistent with the prior analysis that has now been expressed several times, taking into account the differences in formats for both the environmental documents from 1990-1992 and present as well as those associated with LAFCO documents then and now, there is no evidence, or inference, that the size of the ACCWD WSA was *decreased prior to* final action on the final City Incorporation and related changes in organization by LAFCO in 1991.

Both the DEIR and the FEIR explain the prior incorporation proposal and explore the required Project Alternatives including the no Project Alternative.

None of these alternatives describe a reduction in the geographic footprint of the ACCWD WSA.

Also, a review of the analysis text in the DEIR and FEIR did not indicate an alternative provider for local agency water within ACCWD WSA.

It is noted that where alternative service providers were present in the area of wastewater analysis for the Project, alternative providers are analyzed. For example, the Napa Sanitation District (“NSD”) and its overlapping service areas with those of the ACCWD. In that instance, there was a clarification, both in the environmental documents and in the final City Incorporation documents as to *how the service areas* for NSD and ACCWD were to be resolved.

Pending review of the information which Brendan Freeman is going to forward concerning a claimed 1990 LAFCO action regarding the ACCWD, it is recommended that for the formal LAFCO hearing on the MSR, that a comprehensive communication be forwarded to LAFCO, executed by the Mayor, setting forth the City position.

If upon review you have questions, please contact me.

W.D.R.



August 3, 2020

VIA EMAIL

bfreeman@napa.lafco.ca.gov

Mr. Brendon Freeman, Executive Officer
And Members of the Napa County
Local Agency Formation Commission
1030 Seminary Street, Suite B
Napa, CA 94559

Re: August 3, 2020 Regular Meeting Agenda; Agenda Item No. 7(c) Public Comments
County-Wide Water and Wastewater Municipal Service Review Draft Report

Dear Mr. Freeman and Members of the Commission:

Over the past two years, representatives of the City of American Canyon (“American Canyon”) and the Napa County Local Agency Formation Commission (“Napa LAFCO”) have corresponded several times during the preparation of draft County Wide Water and Wastewater Municipal Service Review (“MSR”). Paramount to successful completion of this MSR is the confirmation of water and wastewater service area boundaries for all agencies.

American Canyon believes that there are additional facts related its water and wastewater services areas - including past actions of the LAFCO Board – not presently considered in the most recent draft MSR (May 2020).

Examples include:

- The history of provision of water and wastewater services by the American Canyon County Water District.
- Agreement(s) between the American Canyon County Water District and the Napa County Flood Control and Water Conversation District.
- Agreement(s) between the American Canyon County Water District and the Napa Sanitation District.
- The effect of American Canyon’s Incorporation - including the merger of the former American Canyon County Water District - and the City’s special trustee obligation for continuation of service to the District’s entire Water Service Area and Wastewater Service Area.

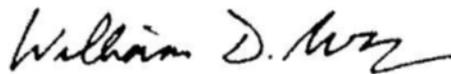
- Napa LAFCO actions on February 9, 1994 concerning the implementation of Government Code section 56133 in the City extraterritorial Water Service Area;
- Napa LAFCO actions on October 15, 2007 concerning the Water Service Area of the City.
- Historical communications between representative of Napa County, American Canyon/American Canyon County Water District, and Napa LAFCO.

City staff will continue to work with Napa LAFCO Staff on a diligent basis to confirm the water and wastewater service area boundaries for American Canyon.

Very truly yours,



Jason Holley
City Manager



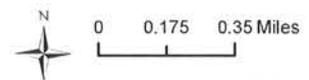
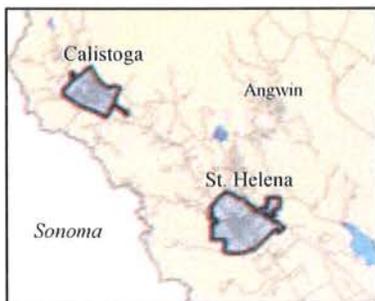
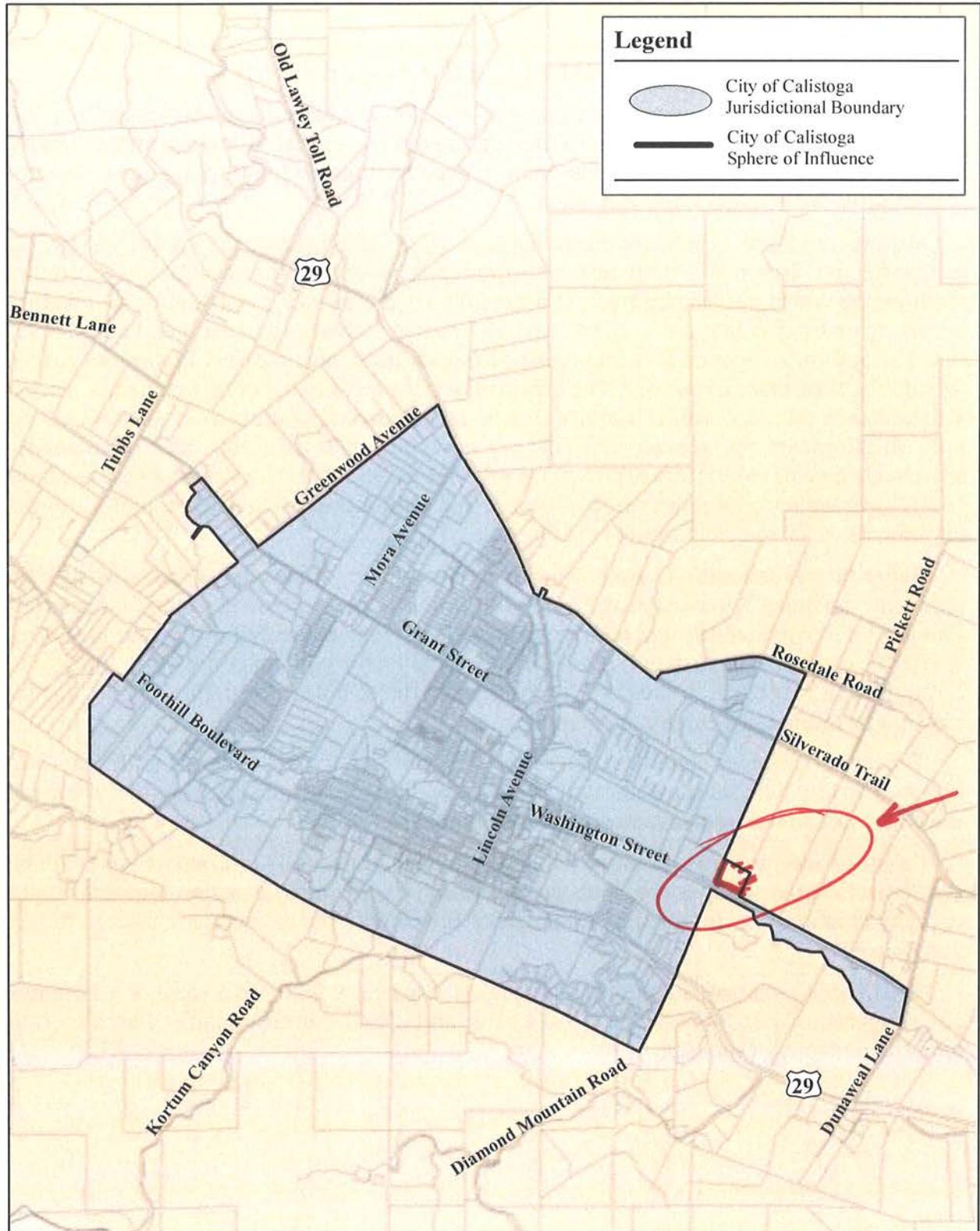
William D. Ross
City Attorney

WDR:as

cc: DeeAnne Gillick, LAFCO Counsel
dgillick@sloansakai.com

City of Calistoga

Figure 5-1



December 11, 2019
Prepared by LAFCO Staff



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for the pending Veranda project listed in Figure 5-3.¹⁹¹ Water supply availability and wastewater system capacity will be discussed in more detail later in this chapter.

Figure 5-4: Potential Development through 2034, acre-feet

| Potential Development through 2034 | Water Usage | Wastewater Generation |
|--|-------------|-----------------------|
| 71 SFD | 30.39 | 15.90 |
| 118 multi-family dwellings (MFD) (split between 1 and 2 bedroom units) | 22.01 | 12.92 |
| 222 guest rooms | 37.74 | 33.30 |
| 240,000 square feet of commercial development | 26.40 | 23.76 |
| 3,000 restaurant square feet | 1.74 | 1.57 |
| Totals | 118.28 | 87.45 |
| % of available supply/capacity | 26.2-53.8% | 71% |

Source: City Council Staff Report: Growth Management System Report, 2018.

The Association of Bay Area Governments (ABAG) projects that the total growth within the City between 2020 and 2030 will be 3.8 percent or about 0.4 percent a year on average. Based on these projections, the City's population would increase from 5,453 in 2019 to approximately 5,683 in 2030.

Napa LAFCO has developed its own population projections. To project future growth, LAFCO calculated the annual percentage change between 2012 and 2017 based on the DOF population estimates for these years.¹⁹² Population growth was then projected in five-year increments through 2030. According to LAFCO's projections, the population of Calistoga in 2025 is anticipated to be about 5,652 and approximately 5,818 in 2030. LAFCO projects that Calistoga will grow by 0.61 percent a year through 2030.

DISADVANTAGED UNINCORPORATED COMMUNITIES

LAFCO is required to evaluate disadvantaged unincorporated communities as part of this service review, including the location and characteristics of any such communities.

According to Napa LAFCO's definition of DUCs, there are currently no disadvantaged unincorporated communities in Napa County. Based on the adopted policy, the Commission annually reviews Census Bureau American Community Survey data to determine if local and/or statewide median household income levels have changed.¹⁹³

we are disadvantaged

¹⁹¹ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.

¹⁹² The change in population, especially unincorporated area, between 2017-2018 was significant due to the wildfires and loss of homes. Therefore, LAFCO used the timeframe from 2012 to 2017.

¹⁹³ Napa Local Agency Formation Commission, Policy on Disadvantaged Unincorporated Communities, 2018.

Water Services

Years prior to FY17 indicate capital expenditures averaging an amount similar to budgeted depreciation of \$400,000.²³²

The value of depreciable capital assets increased by about 1.6 percent from FY17 to FY18; capital additions more than offset reduced value due to depreciation.²³³

The City's proposed FY19 budget shows \$3.1 million of capital improvements, and the CIP indicates \$1.8 million and \$1.4 million of expenditures in FY20 and FY21, respectively.²³⁴

Wastewater Services

Years prior to FY17 indicate capital expenditures averaging an amount nearly equal to budgeted depreciation of \$660,000.²³⁵

The value of depreciable capital assets increased about 3.8 percent from FY17 to FY18; additions more than offset value reductions due to depreciation.²³⁶

The City's proposed FY19 budget shows \$2.4 million of capital improvements in FY19, and the CIP indicates \$1.3 million and \$250,000 of expenditures in FY20 and FY21, respectively.²³⁷

Financial Planning and Reporting

Achieving transparency and public accountability standards dictates that cities and agencies provide easily accessible and clear documentation of their activities, including financial information.

Website – The City's website includes descriptions of and access to current and past water and wastewater financial documents.

Comprehensive Annual Financial Report (CAFR) -- The City includes its water and wastewater operations in its CAFR which is published in a timely manner within six months of the end of the fiscal year. The document is a scan of a printed page and not easily searched electronically.

Capital Improvement Program – The City creates a ~~5~~¹⁰-Year CIP and updates the CIP for each budget year as a part of its annual budget process.

Water Services

Cost of Service/Rate Study – The City updated its rates based on a Rate Study and created a 5-year schedule of rate increases which took effect beginning FY18.²³⁸

²³² City of Calistoga Budget Fiscal Year 2018-19 Operating & Capital, pg. 133 (water system capital improvements); see Water Operations Fund Sources and Uses, pg. 131 for depreciation budget item.

²³³ City of Calistoga CAFR FY18, Note D Capital Assets Business-Type Activity, pg. 38. Excludes water rights.

²³⁴ City of Calistoga Budget Fiscal Year 2018-19 Operating & Capital, Major Capital Projects Summary of Proposed Projects FY19-FY23, pg. 200.

²³⁵ City of Calistoga Budget Fiscal Year 2018-19 Operating & Capital, pg. 145 (wastewater system capital improvements). see Wastewater Operations Fund Sources and Uses, pg. 143 for depreciation budget item.

²³⁶ City of Calistoga CAFR FY18, Note D Capital Assets Business-Type Activity, pg. 38.

²³⁷ City of Calistoga Budget Fiscal Year 2018-19 Operating & Capital, Major Capital Projects Summary of Proposed Projects FY19-FY23, pg. 200.

²³⁸ City of Calistoga Water Rate Study Final Report, Bartle Wells Associates, 2/20/2018.

WATER SERVICES

we now have updated Inf. element 2020

The City of Calistoga conducts planning for its water services in its General Plan. The Infrastructure Element that provides information and policy guidance related to community infrastructure, including water facilities and services was last updated in 2003. As of the drafting of this report, the City was in the process of updating this element. The 2003 Infrastructure Element lists the following objectives and associated policies for the City's water services:

Objective I-1.1 Plan, manage and develop the public water conveyance and distribution systems in logical, timely and appropriate manner.

- ❖ P1.1-1 The City shall base water capacity and supply plans and projections on the "below normal year" but will also look for ways to decrease the impacts of a "dry year."
- ❖ P1.1-2 The City shall not extend water infrastructure to new areas until existing infrastructure is brought to adequate standards or unless such extensions contribute to infrastructure improvements.
- ❖ P1.1-3 Potable water should generally be available to the City's residents and businesses.
- ❖ P1.1-4 Properties which utilize an on-site well where treated water is generally available may connect to the City's water system provided that there are sufficient resources. Where resources are limited, priority for treated water should be given to vacant parcels and existing developed parcels proposing an expansion of use.

Objective I-1.2 Maintain water storage, conveyance and treatment infrastructure in good condition.

Objective I-1.3 Encourage coordination between land use planning and water facilities and service.

- ❖ P1.3-1 The approval of new development shall be conditional on the availability of sufficient water for the project.
- ❖ P1.3-2 The City shall ensure a fair and equitable distribution of costs for water service expansion.
- ❖ P1.3-3 Structures with plumbing that are located within city limits shall connect to the water system, unless topography, distance from the public water system, or other factors indicate a need for an exemption.
- ❖ P1.3-4 Extension of water service beyond the current service area shall be prohibited.
- ❖ P1.3-5 Needed water supply and pressure for fire suppression shall be maintained.
- ❖ P1.3-6 Users of the cold-water aquifer shall meet all City and governmental requirements.
- ❖ P1.3-7 If and when 95 percent of the capacity of existing water storage, supply and/or distribution systems has been reached, further development in Calistoga will be prohibited until the City has provided sufficient new capacity to accommodate new development.

properties were connected before 2001 and therefore did not require LAFCO prior approval. The City has since adopted code that prohibits new connections to the water system by properties outside of the city limits after 2005. Water customers residing outside of the city boundaries pay a 115 percent surcharge on the volumetric rate which recovers costs associated with operating and maintaining the infrastructure required to serve these customers.²⁴⁰

With regard to recycled water services, the City serves ~~17~~¹⁵ customers, ~~one of which (Frediani Ranch) extends outside of the city limits.~~ Recycled water services are exempt from requiring LAFCO approval prior to extension of services beyond an agency's boundaries under Government Code §56133.

Occasionally, residents from outside of the city boundaries acquire recycled water in trucks from a station at the City's Wastewater Treatment Plant (WTP). There is no limit as to the quantity of recycled water that can be ~~purchased~~^{its free} and trucked as long as the purchaser obtains a prior permit through the City's WWTP.²⁴¹

Potable and recycle water out-of-area service connections are shown in Figure 5-7.

Services to Other Agencies

The City does not provide any water-related services to other agencies.

Contracts for Services

Calistoga maintains an agreement with City of Napa, wherein the City of Napa treats the State Water Project (SWP) water at the Jamison Canyon WTP or the Hennessey WTP to drinking water standards and conveys the water up the Napa Valley to the location of Calistoga's wholesale water meter. The SWP water supplied is purchased and treated by the City of Napa prior to delivery to Calistoga at an annual cost to Calistoga of approximately \$1 million. The agreement does not have an expiration date.

Calistoga contracts with the independent Alpha Analytical Laboratory and Caltest Analytical Laboratory for water testing and State Water Resources Control Board (SWRCB) reporting.

Overlapping Service Providers

There are no overlapping water service providers within the City of Calistoga.

Collaboration

The City participates in the Bay Area Integrated Regional Water Management Plan (IRWMP). The City also has a collaborative relationship with the City of Napa, which transports and treats a portion of Calistoga's water supply.

The City additionally is participating in a Memorandum of Understanding (MOU) among Napa County municipal water purveyors to develop a drought contingency plan. As part of this collaboration, participating agencies are evaluating opportunities for supplemental water supply and constraints of their current utility systems.²⁴²

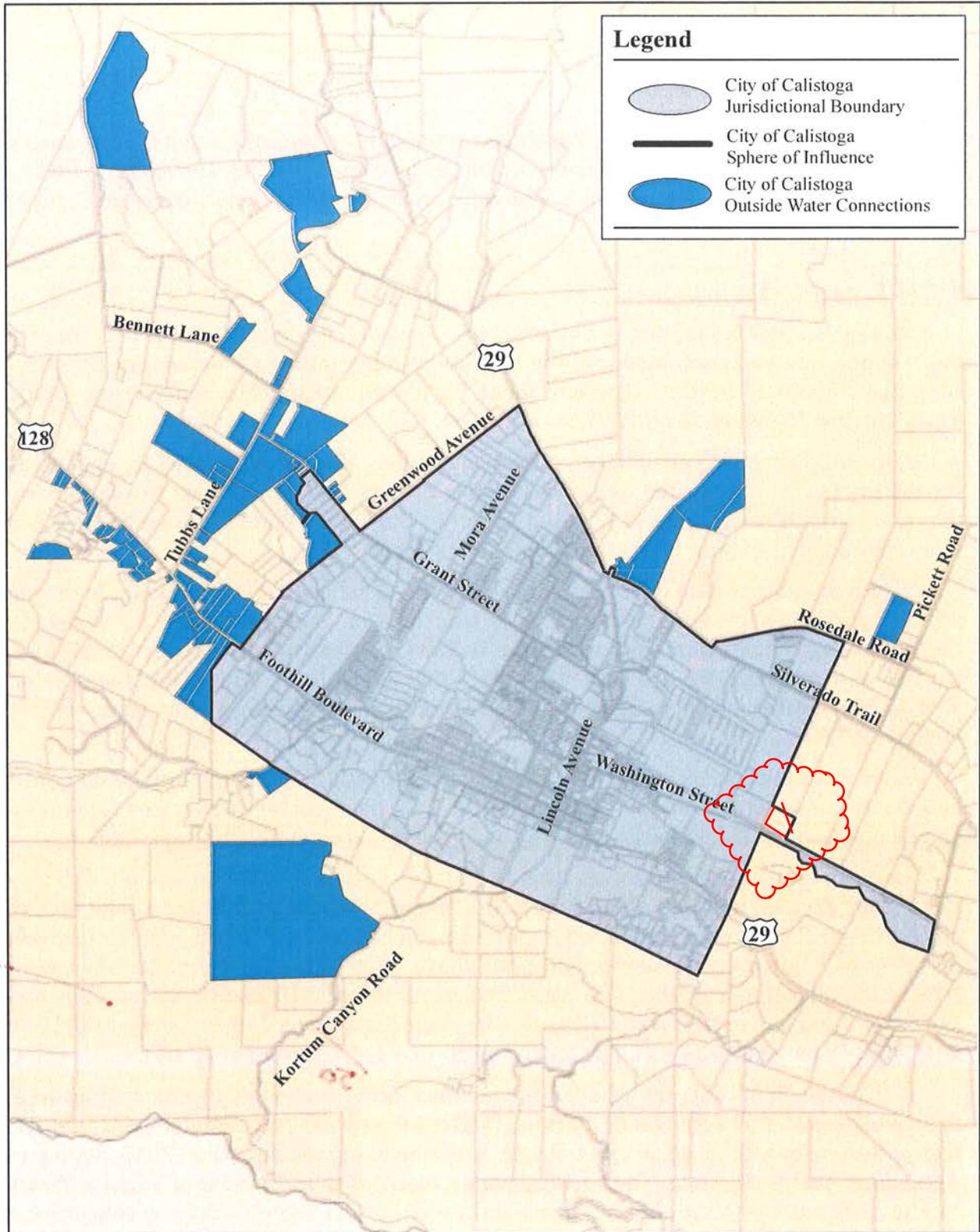
²⁴⁰ City of Calistoga, Water Rate Study, 2018, p. 11.

²⁴¹ Interview with the City of Calistoga, Michael Kirn and Derek Rayner, 10/7/19.

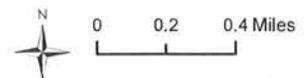
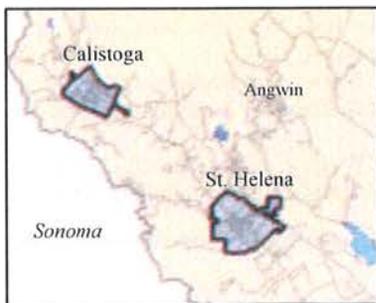
²⁴² Interview with the City of Calistoga, Michael Kirn and Derek Rayner, 10/7/19.

City of Calistoga

Figure 5-7



| Legend | |
|--------|---|
| | City of Calistoga Jurisdictional Boundary |
| | City of Calistoga Sphere of Influence |
| | City of Calistoga Outside Water Connections |



December 30, 2019
 Prepared by LAFCO Staff



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Staffing

The City's Department of Public Works is responsible for operations and maintenance of Calistoga's water treatment and distribution infrastructure. The Water Distribution Division responds to water leaks, after-hours service calls, and reads water meters every other month for billing purposes.

Water Supply

Calistoga's water is supplied by two sources—Kimball Reservoir (about 40 percent of the City's supply) and water transported by the City of Napa (about 60 percent of Calistoga's supply).²⁴³ In 2018, the City supplied about 25 percent of potable water from Kimball Reservoir and 75 percent from SWP.²⁴⁴

Water supply from Kimball Reservoir was negatively affected when the City of Calistoga started bypassing more water around the dam to protect fish populations. The supply from the reservoir was reduced by 41 afy from 328 afy to 287 afy.²⁴⁵ Water lost due to the bypass was replaced by the water delivered by the City of Napa.

Calistoga contracts with the City of Napa to treat and deliver its SWP entitlement through an interconnection between the two agencies' transmission lines. SWP water delivered from the City of Napa comes from the Sacramento Delta via the North Bay Aqueduct (NBA) and is treated and wheeled by the City of Napa from its Jamison Water Treatment Plant; alternatively, water may also be provided by the City of Napa from its Hennessey WTP or Milliken WTP.²⁴⁶

Water from the SWP is secured through a contract with the Napa County Flood Control and Water Conservation District (Agreement No. 1926) and currently allocates Calistoga an annual entitlement of 1,925 acre-feet. The agreement was extended through 2085.²⁴⁷

The North Bay Aqueduct sources include 500 afy of original SWP entitlement, 925 afy of Kern County water, and 500 afy of American Canyon-purchased water for a total of 1,925 afy. A firm yield of 52 percent delivery reportedly can be expected, which equals a firm yield of 1,001 afy.²⁴⁸ However, recent year allocations have fallen below the firm yield. The average NBA water allocation from the State Water Project for the past 10 years has been 51 percent (982 afy). The average NBA water allocation from the State Water Project between 2013 and 2017 was 48 percent (924 afy). The 2018 allocation was 40 percent (770 afy).²⁴⁹

In 2013 the NCFCWCD, on behalf of the member cities, succeeded in establishing access to an additional 5,659 acre-feet of "back-up" water per year, up to a cumulative 21,900 acre-feet of water, based on an Area of Origin Settlement Agreement (the "2013 Settlement Agreement") with the State. The back-up water, referred to as "Advanced Table A Water," can be accessed only after all other available carryover and Table A water is consumed. In

²⁴³ City of Calistoga, Response to Grand Jury Report on Napa County Water Quality: It's a Matter of Taste, 2019.

²⁴⁴ City of Calistoga, Large Water System Annual Report to the Drinking Water Program, 2018.

²⁴⁵ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.

²⁴⁶ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.

²⁴⁷ City of Calistoga Resolution No. 2014-094.

²⁴⁸ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.

²⁴⁹ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.

Recycled water

The City of Calistoga's Dunaweal Wastewater Treatment Plant (WWTP) produces recycled water. After tertiary treatment, effluent may be discharged to the Napa River from November 1st through June 15th or during the remainder of the year, distributed for recycled use and spray irrigation, or stored for future use in effluent storage ponds.²⁵⁵

The City distributes its recycled water from the WWTP to 17¹⁵²⁵⁶ customers through recycled water infrastructure described later in the *Water Infrastructure and Facilities* section. The City's recycled water is also trucked to customers outside of the City's boundaries. Individual owners of tanker trucks, as well as truck operators, must have a permit from the City to fill up with recycled water at the WWTP station.

Typically, upwards of 100 million gallons (around 300 acre-feet) of reclaimed water are distributed for irrigation each year, including spray field irrigation.²⁵⁷ In 2018, the City produced 541.03 af of recycled water.²⁵⁸

Emergency Preparedness

During the 2012-2015 California drought years, the City maintained solid supplies including over two years of future storage throughout the period. During 2013-14, when the SWP allocation was at an unprecedented low of five percent, the City had 980 af of SWP supplies (including carryover water) available, along with local supplies of 328 af in the Kimball Reservoir. Total supplies were 1,330 af, and customers consumed 640 af during that same period. In addition, if all SWP supplies were consumed (including carryover water), the City could call on Advanced Table A supplies in accordance with the 2013 Settlement Agreement. The City maintains about two years of water storage between SWP entitlements and local storage; this has been the case throughout the recent four-year drought.²⁵⁹

Depending on availability, Calistoga is able to purchase additional water from the City of Napa in emergencies.

During power outages, all systems which move water into Calistoga are shut down, meaning the City must rely on local water storage until power can be restored. The City's three water storage facilities provide almost 4.5 days of water based on average daily demand, which does not account for conservation efforts.

Water Demand

As of 2019, the City had 1,594 water service connections, including 78 out-of-area service connections.²⁶⁰ There were 1,194 single-family residential, 133 multi-family residential, 237 commercial, five industrial, and 25 landscape irrigation.

²⁵⁵ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/dunaweal-wastewater-treatment-plant>

²⁵⁶ City of Calistoga, Large Water System Annual Report to the Drinking Water Program, 2018.

²⁵⁷ City of Calistoga, *Budget*, FY 19-20.

²⁵⁸ City of Calistoga, Large Water System Annual Report to the Drinking Water Program, 2018.

²⁵⁹ City of Calistoga, 2018 Water and Wastewater Certificates of Participation Statement, 2018, p. 25.

²⁶⁰ City of Calistoga, *Budget*, FY 2019-2020.

The Town's projected demand for potable and recycled water is depicted in Figure 5-12.

Figure 5-12: Projected Demand for Potable and Recycled Water (acre-feet)

| Projected Demand for Potable and Recycled Water | | | | | |
|---|------------|------------|------------|------------|------------|
| Use Type | 2020 | 2025 | 2030 | 2035 | 2040 |
| Single-Family Residential | 294 | 303 | 305 | 307 | 311 |
| Multi-Family Residential | 181 | 188 | 188 | 190 | 190 |
| Commercial/Institutional | 202 | 207 | 209 | 212 | 215 |
| Industrial | 8 | 7 | 8 | 8 | 8 |
| Landscape Irrigation | 15 | 15 | 15 | 15 | 16 |
| TOTAL POTABLE | 700 | 720 | 725 | 732 | 740 |
| Recycled Water | 243 | 285 | 326 | 326 | 326 |

Source: As reported by the City of Calistoga.

As was mentioned before, the City provides recycled water services to ~~17~~¹⁵ connections, including two single-family residential, two multi-family residential, ~~six~~^{seven} commercial, one industrial, and ~~six~~^{three} landscape irrigation.²⁶⁴

The recycled water customers currently include Little League Field, La Pradera Apartments, Stevenson Manor Inn, Calistoga Mineral Water, Calistoga Grove Inn, Community ~~Presbyterian Church~~, Calistoga Elementary School, Logvy Community Park, Napa County Fairgrounds, Indian Springs Resort, Solage, two residences, Boys and Girls Club, and Calistoga High School. Additionally, as mentioned, the City allows permitted haulers to pump and truck recycled water for construction and irrigation. In 2018, the total volume of recycled water pumped and trucked was ~~23.4~~^{7.6} af. During the same year, the total volume of recycled water produced was 315 af.

Water Infrastructure and Facilities

The City of Calistoga's water system has grown from a small municipal reservoir in Feige Canyon in the first half of the century to include a municipal reservoir in Kimball Canyon, drinking water production from wells in Feige Canyon and the construction of the 12.3-mile North Bay Aqueduct (NBA) connection to the City of Napa's water system. The latter development, completed in 1984, represents the most recent major water facilities upgrade in the City. Since the Feige wells are currently inactive, all public water in Calistoga is currently provided by the Kimball Reservoir and NBA sources.²⁶⁵

Key components of the water system include the Kimball Reservoir and Water Treatment Plant, storage tanks with a capacity of 2.5 million gallons, and ~~30~~²⁵ miles of distribution and ~~20~~²⁵ miles of transmission mains. Twenty percent of the City's water system is over 50 years old and in five years the percentage will increase to almost ~~50~~²⁵.²⁶⁶

²⁶⁴ City of Calistoga, Large Water System Annual Report to the Drinking Water Program, 2018.

²⁶⁵ City of Calistoga, *General Plan, Infrastructure Element*, 2003, p. I-1.

²⁶⁶ City of Calistoga, *Water Rate Study*, 2018, p. 6.

Also: New 1.5MG water storage tank @ Mt. Washington 2013

0



Water Reservoir

Kimball Reservoir has a surface drainage area of approximately 3.4 square miles. The City owns a portion of the surrounding watershed with the remainder owned by the State Parks Department and a private landowner.²⁶⁷

Kimball Canyon Dam was constructed in 1939 by the City and was subsequently raised in 1948 to increase the storage capacity of the reservoir. The dam is an earthfill structure approximately 300 feet long, 200 feet wide at the base, and about 75 feet high. The spillway crest elevation is 575 feet above mean sea level. The original storage capacity of the reservoir measured in a 1954 survey at the spillway crest was approximately 345 af and 409 af at the top of the flashboards (elevation 579 feet). The accumulation of sediment in the reservoir has since reduced the storage capacity to 312 af at the flashboard elevation according to a ~~1991 reservoir sounding study~~. Much of the sediment accumulation has been attributed to wet weather runoff that followed a 1985 fire which burned a large portion of the surrounding watershed.²⁶⁸

2013

328

Bathymetric Survey

The dam (National ID No. CA00310) is under the jurisdiction of the State of California. Annual inspections of the reservoir are conducted by the State Division of Dam Safety to ensure the structure is satisfactory for continued use.²⁶⁹ The dam is certified and considered to be in satisfactory condition by the State. The dam is considered a high-risk dam, as the downstream hazard is categorized as high, and is continuously being watched for leakage.

Between 2017 and 2019, the City made some improvements with Measure A funds to the reservoir to address concerns of aging infrastructure. However, the reservoir still requires the new intake tower and a drain valve. The City is seeking additional grant funds to complete the construction. Calistoga anticipates finishing the work by summer/fall of 2021. After these planned improvements the reservoir will be in good condition, with the exception of sediment buildup and the anticipated water loss of two af annually.

Water Treatment Plant

Kimball Surface Water Treatment Plant (WTP) features the standard operating design with a maximum capacity of 350,000 gallons per day (gpd). Average water generation at the plant is 269,000 gpd,²⁷⁰ which indicates sufficient capacity to accommodate current demand.

The treatment processes at the WTP include chemical coagulation, flocculation and sedimentation in a circular clarifier, chlorination, filtration and storage in a 100,000-gallon clearwell.²⁷¹ Three finished water pumps supply water from the clearwell to the distribution system. These pumps are responsible for maintaining the level in the Feige one-mg storage tank and the distribution system pressure.²⁷²

²⁶⁷ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-dam-water-reservoir>

²⁶⁸ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-dam-water-reservoir>

²⁶⁹ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-dam-water-reservoir>

²⁷⁰ Napa County Grand Jury, Napa County Water Quality: It's a Matter of Taste, June 14, 2019.

²⁷¹ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-surface-water-treatment-plant>

²⁷² <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/kimball-surface-water-treatment-plant>

Measure A funds also funded improvements at the WTP in 2009. Further upgrades totaling \$1 million are planned for FYs 23-24 and possibly another \$6 million through FY 27-28. The plant is generally considered to be in good condition.

Water Distribution

The water distribution system consists of 30 miles of distribution and 20 miles of transmission mains, 404 valves, and 202 fire hydrants. The City owns and maintains 5.5 miles of recycled water distribution pipeline with two booster stations.²⁷³

flushing

Unaccounted for water loss, specifically the amount of water lost due to system breaks and leaks, as well as illegal connections, is a measure of the water system's integrity. Water losses can include "real losses", which are physical losses from the water distribution system and the supplier's storage facilities as well as "apparent losses", which represent losses due to metering inaccuracies, data handling errors and/or unauthorized consumption. The City-reported total losses in 2018 of 108 af or 15 percent of the water produced in that year.

Breaks and leaks in the mains and service connections account for some of the loss experienced in the system. In 2018, Calistoga distribution system experienced 13 service connection breaks or leaks and six main breaks or leaks. The City averaged about 3.5 water main breaks per year between 2015 and 2018, which averages to about seven breaks per 100 miles of main per year. This is significantly lower than the national average of between 21 and 27 breaks per 100 miles of pipe per year.²⁷⁴

The City addresses water loss through metering and monitoring pressures in the system. Any water leaks or breaks are repaired as quickly as possible to reduce these losses. Additionally, included in the losses are hydrant flush water that the City completes annually for about 200 fire hydrants to maintain good drinking water quality in the distribution system.

Storage Facilities

There is a total of three storage tanks with a combined storage capacity of 2.75 million gallons. The storage tanks are described in detail in Figure 5-13.

Figure 5-13: City of Calistoga Storage Tanks

| Storage | Capacity | Material | Year Installed | Condition |
|------------------|----------|-------------------|----------------|-----------|
| Feige Tank | 1 mg | Glass fused steel | 2018 | Excellent |
| High Street Tank | 20,000 g | Concrete | 1993 | Fair |
| Mt. Washington | 1.5 mg | Concrete | 2013 2017 | Excellent |

Source: Annual Reports to the Drinking Water Program for 2014, 2015, 2016, 2017, and 2018.

The new Feige Tank with one-mg capacity has been operational since December 2018. The tank sits on a large concrete base and is weighted with seismic anchors. The anchors keep the tank from overturning during a seismic episode. The tank has sufficient capacity to accommodate current and projected demand.

The new tank's technology includes a computer system that monitors the water level inside the tank, how much water is going in or out, and how much chlorine is in the water. It

²⁷³ City of Calistoga, *Water Rate Study*, 2018, p. 8.

²⁷⁴ WaterRF, *Knowledge Portals*, 2017.

WASTEWATER SERVICES

The City of Calistoga conducts planning for its wastewater services in its General Plan. The Infrastructure Element that provides information and policy guidance related to community infrastructure, including wastewater facilities and services was last updated in ~~2003~~. As of the drafting of this report, the City was in the process of updating the Infrastructure Element. The ~~2003~~ Infrastructure Element lists the following objectives and associated policies for the City's wastewater services:

Objective I-2.1 Plan, manage and develop wastewater conveyance, treatment and disposal systems in a logical, timely and appropriate manner.

- ❖ P1.2-1 The City shall not extend wastewater infrastructure to new areas until existing wastewater infrastructure is brought to adequate standards or unless such extensions contribute to city-wide wastewater infrastructure improvements or correct septic problems.
- ❖ P1.2-2 Municipal sewer treatment should generally be available to the City's residents and businesses.

Objective I-2.2 Maintain wastewater infrastructure in good condition.

Objective I-2.3 Promote coordination between land use planning and wastewater treatment and conveyance.

- ❖ P2.3-1 Extension of sewer service beyond the current service area shall be prohibited.
- ❖ P2.3-2 The approval of new development shall be conditioned on the availability of sufficient capacity in the wastewater treatment system to serve the project.
- ❖ P2.3-3 The City shall ensure a fair and equitable distribution of costs for sewer service expansion.
- ❖ P2.3-4 Structures with plumbing that are located within city limits shall connect to the public wastewater collection system, unless topography, distance from the public water system or other factors indicate a need for an exemption.
- ❖ P2.3-5 If and when wastewater flows to the Wastewater Treatment Plant reach 95 percent of the plant's design capacity of 0.84 MGD, development in Calistoga will be halted until the City provides additional treatment capacity sufficient to accommodate new development.

Objective I-2.4 Enforce City wastewater regulations.

- ❖ P2.4-1 Restaurants and others that discharge grease into the wastewater treatment system shall be required to reduce impacts through individual or collective pretreatment facilities that retain wastewater long enough to permit solids to settle and oil and grease to separate.
- ❖ P2.4-2 Regulations related to the discharge of mud and silt into the wastewater treatment system shall be enforced.

Objective I-2.5 Promote innovation in the treatment of wastewater.

Additionally, the City plans for its wastewater services in the Capital Improvement Program contained in annual budgets. Calistoga also adopts a Sewer System Management Plan (SSMP), which was last updated in 2018.

Type and Extent of Services

Services Provided

The City of Calistoga provides wastewater collection and treatment services within its boundary area. Similar to the water system, most of the wastewater customers are residential.

Service Area

All sewer connections are located within the city boundaries, with no out-of-agency sewer services provided.

Services to Other Agencies

The City does not provide wastewater related services to any other agencies.

Contracts for Services

Calistoga does not receive contract services related to wastewater from other agencies.

Overlapping Service Providers

No other agencies provide services that overlap with the City of Calistoga. However, approximately ~~half~~ ^{25%} of the properties within the city limits rely on private septic systems.

Private septic systems have the potential to generate problems due to failure and discharge of contaminants into the environment. The City's Municipal Code requires all structures with plumbing which are on properties within two hundred feet of a wastewater sewer to connect to the public system. ~~This measure has not always been enforced, however.~~ ²⁸⁰ ~~it is now~~

Collaboration

At present, there is not a collaborative relationship amongst the Napa agencies regarding wastewater services, as the service areas are distant and distinct from one another.

Staffing

Wastewater services in Calistoga are provided by the Public Works Department via the Sewer Collection Division and the Wastewater Treatment Division.²⁸¹

The Public Works Department goals include the proper management, operation, and maintenance of all parts of the wastewater collection system, maintaining adequate capacity to convey peak flows, minimizing the frequency and volume of Sanitary Sewer Overflows (SSOs), and mitigating the impact of SSOs. The Sewer Collection Division maintains four sewer lift stations in the City and all of the City's existing sewer mains and recycled water

²⁸⁰ City of Calistoga, General Plan Infrastructure Element, 2003, p. 1-9.

²⁸¹ City of Calistoga, Sewer System Management Plan, 2018, p. 1-1.



during wet weather flow events.²⁸⁵ Although the treatment plant is capable of treating a peak wet weather flow of four mgd, the headworks structure is designed for flows up to seven mgd.²⁸⁶

Figure 5-15 depicts average dry weather flows at the WWTP over the period of 10 years. It appears that the plant has sufficient capacity to accommodate current demand.

The City estimates that based on the permitted treatment plant capacity of 0.84 mgd and current average dry weather flow of about 0.5 mgd along with other allocations and obligations (including current development agreements and building permits), the excess available treatment capacity available for future development amounts to about 0.1 mgd or 123.2 afy. It is estimated that 71 percent of this available capacity will be allocated by 2034.²⁸⁷

Figure 5-15: Wastewater Flows at the WWTP

| Wastewater Treatment Plant Flows | | | | | | | | | | |
|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| User Type | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 |
| Average Dry Weather Flow (Gallons) | 490,000 | 490,000 | 490,000 | 500,000 | 500,000 | 500,000 | 500,000 | 396,000 | 502,000 | 440,000 |
| Maximum Daily Permit Dry Weather Flow (Gallons) | 840,000 | 840,000 | 840,000 | 840,000 | 840,000 | 840,000 | 840,000 | 840,000 | 840,000 | 840,000 |

Source: City of Calistoga, Comprehensive Annual Financial Report, 2018.

The WWTP was last upgraded in 2002 converting the plant to tertiary treatment capability to provide Title 22 recycled water.²⁸⁸ The treatment processes consists of primary treatment by coarse bar screening at the headworks structure, secondary treatment by aeration and clarification, tertiary treatment by coagulation, filtration and disinfection. After tertiary treatment, effluent may be discharged to the Napa River from ~~October~~ ^{June} 1st through ~~May~~ ^{November} 15th.²⁸⁹ During the remainder of the year, effluent is distributed for recycled water use or stored for future use in effluent storage ponds.²⁹⁰

Collection System

The City's wastewater collection system includes 18 miles of sewer collection piping, 330 manholes, four pump stations, and 50 MG of storage ponds.

The wastewater collection system includes all residential and commercial customers in the City limits. All sewage from the City drains by gravity either to one of the four pump stations or to the WWTP directly. The system also includes recycled water distribution infrastructure described in the *Water Infrastructure and Facilities* section.²⁹¹

To investigate the extent of the infiltration and inflow (I/I) issues in its collection system, the City performed a smoke test, which uncovered a need for repairs to reduce the I/I. The

²⁸⁵ City of Calistoga, Sewer System Management Plan, 2018, p. i.

²⁸⁶ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/dunaweal-wastewater-treatment-plant>

²⁸⁷ City of Calistoga, Periodic Report on Growth Management System and Water/ Wastewater Availability, 2018.

²⁸⁸ City of Calistoga, Water Rate Study, 2018, p. 8.

²⁸⁹ NPDES Permit No. CA0037966, Order 00-1312.

²⁹⁰ <http://www.ci.calistoga.ca.us/city-hall/departments-services/public-works-department/water-wastewater-treatment/dunaweal-wastewater-treatment-plant>

²⁹¹ City of Calistoga, Water Rate Study, 2018, p. 8.

GOVERNANCE STRUCTURE OPTIONS

Over the course of this review, some governance structure options were identified with respect to the City of Calistoga and its water and wastewater services, including possible service structure modifications and reorganizations with other agencies. The feasibility of each of these options is generally assessed in this report; however, more in-depth review would be required to refine specifics of process and structure should the affected agencies or LAFCO choose to move forward.

Countywide Water Agency

There are several challenges to water and wastewater services around the County that could be potentially addressed by alternative governance structures:

- ❖ Some County water resources not being used to the fullest extent possible,
- ❖ A need for greater oversight of all jurisdictions providing water services in the County,
- ❖ A need for support buying on the spot market,
- ❖ Certain redundancies with several smaller systems around the County, which could be eliminated,
- ❖ A need for occasional technical expertise and support, and
- ❖ A lack of economies of scale in the smaller water and wastewater systems.

Given these challenges, there may be a need for a single agency to conduct water supply management on a regional or countywide level, such as a county water agency and/or an agency to provide management and operational support to the smaller utility systems that could benefit from the consolidation of certain services (i.e., lab testing) or from fully transitioning to operations by a regional agency, such as a county water district or a sanitation district. As these options may affect all of the water and wastewater service providers reviewed here, these governance structure options are discussed and assessed in further detail in the *Overview* chapter (Chapter 3) of this report.

While the City of Calistoga has indicated that these options might not be preferred for its municipality, it is interested in continued regional collaboration such as the existing MOU for the Napa Valley Drought Contingency Plan.

RECOMMENDATIONS

During the process of this review, the following recommendations are made to the City of Calistoga regarding its water and wastewater service delivery.

- 1) The City of Calistoga relies on its General Plan and Capital Improvement Plan as planning documents for its water system, neither of which give a comprehensive assessment of the City's water system and operations. It is recommended that the City develop a water master plan or some other comprehensive water planning document.
- 2) ~~Occasionally, residents from outside of the city boundaries acquire recycled water in trucks from a station at Calistoga's Wastewater Treatment Plant. There is no limit as~~

NAPA LAFCO
COUNTYWIDE WATER AND WASTEWATER MSR

to the quantity of recycled water that can be ~~purchased and~~ trucked as long as the purchaser obtains a prior permit through the City's WWTP. In order to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable and which may adversely affect agricultural uses, it is recommended that approved uses for trucking of water be defined in the City's municipal code.

→ This statement #2 really isn't true

→ 99% for construction/dust control

→ 1% or less for irrigation
lots of boron so not very useful for ag use ...

CITY OF CALISTOGA DETERMINATIONS

Growth and Population Projections

- ❖ The City of Calistoga's population, as of 2019, was approximately 5,453.
- ❖ Calistoga's population increased by about six percent in the last 10 years.
- ❖ The City manages its growth to maintain its small-town character through the Resource Management System and the Growth Management System.
- ❖ Napa County LAFCO anticipates that the City will grow by about 0.61 percent a year through 2030 with an anticipated population of 5,818 in 2030.

The Location and Characteristics of Disadvantaged Unincorporated Communities Within or Contiguous to the Agency's SOI

- ❖ According to Napa LAFCO's definition of disadvantaged unincorporated communities (DUCs), there are currently no DUCs in Napa County.

Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs and Deficiencies

- ❖ Although water supply from Kimball Reservoir declined, Calistoga was able to replace the lost supply with the water delivered by the City of Napa. Depending on the availability, Calistoga is able to purchase additional water from the City of Napa in emergencies. Water supply is considered to be adequate to meet Calistoga's current needs.
- ❖ Based on the City's existing local reservoir and the State Water project supply, the City does not expect to experience any reductions in water supply during minor drought conditions and expects to experience only minor reductions in water supply during severe droughts.
- ❖ Calistoga currently has excess water supply available for future development. Estimates show that by 2034, the City will be using between 26 and 54 percent of this excess availability. Due to the Growth Management System and the Resource Management System, the City is projected to grow at a fairly predictable pace, and the current available water supply will be able to accommodate future needs, at least through 2034.
- ❖ The City currently reuses about 60¹⁵ percent of its wastewater flows. Recycled water from the WWTP is distributed to 17 customers through recycled water infrastructure, ~~and trucked to customers outside of the City's boundaries.~~
- ❖ The City appropriately plans for its infrastructure needs in the Capital Improvement Plan. The most significant long-term planned infrastructure project is the upgrade of the Kimball Water Treatment Plant. No unplanned for water infrastructure needs were identified.

- ❖ Calistoga has adequate capacity to accommodate existing and projected demand at its wastewater treatment plant. It is estimated that 71 percent of the plant's excess capacity will be allocated by 2034.
- ❖ The level of wastewater services offered by the City were found to be marginally adequate based on the integrity of the wastewater collection system and regulatory compliance.
- ❖ The City's Wastewater Treatment Plant encountered multiple violations and enforcement actions in recent years, most of which were related to dichlorobromomethane limits. The 2016 Cease and Desist order is also related to the dichlorobromomethane levels. *→ which is of 2017 they have fixed & have not kind of violation*
- ❖ The City identifies the current Cease and Desist Order (CDO) and strict Regional Water Quality Control Board (RWQCB) Permit Conditions imposed with the 2016 renewal of the City's permit to operate a WWTP as the basis of its main infrastructure needs and costs related to wastewater services.
- ❖ The City's sanitary sewer overflow rate is lower on average than of other wastewater agencies in California. Although there is still a lot of old infrastructure that causes high infiltration and inflow, Calistoga continues to repair and replace old pipelines and other infrastructure thus further reducing I/I and overflows.

Financial Ability of Agencies to Provide Services

- ❖ The City of Calistoga has the ability to continue providing water and wastewater services. Water and wastewater revenues were insufficient to cover operations and debt service in FY18, however FY19 was anticipated to end with a slight surplus after debt as rates were updated and increased in FY18 to address shortfalls.
- ❖ Utilities met and exceeded their reserve goal of 20 percent reserves. Wastewater operations liquidity exceeded a minimum 1.0 ratio of current assets to current liabilities, and its net position was positive.
- ❖ Current water operations assets, however, were exceeded by current liabilities, reducing water operations liquidity to less than a 1.0 ratio; the water operation's net position was negative at the end of FY18, reflecting liabilities exceeding net capital assets.
- ❖ Combined utility rates approach a maximum of 5 percent of median household incomes and may exceed the measure with future rate increases, depending on growth in household incomes.
- ❖ During FY19 the City's General Fund transferred \$250,000 to assure that debt service coverage requirements were met; a portion of that transfer has since been repaid.
- ❖ Investments in utility capital assets equaled or exceeded annual depreciation, indicating that the City is generally keeping pace with depreciation of facilities.
- ❖ The City reviews and updates its rates regularly based on cost of service studies and CIP forecasts.

0

boundary have been prohibited by the municipal code since 2005, which aligns with State legislation and LAFCO policy.

- ❖ The City provides recycled water services to ~~17~~¹⁵ customers, one of which (Frediani Ranch) ~~extends outside of the city limits~~. Recycled water services are exempt from requiring LAFCO approval prior to extension of services beyond an agency's boundaries under Government Code §56133.
- ❖ The City makes its recycled water available for trucking through a filling station at the City's Wastewater Treatment Plant. There is no limit as to the quantity of recycled water that can ~~be purchased and trucked~~ as long as the purchaser obtains a prior permit through the City's WWTP. In order to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable and which may adversely affect agricultural uses, it is recommended that approved uses for trucking of water be defined in the City's municipal code.

Not applicable
See pp. 139 (99% is construction
dust control purpose
1% or less irrigation
because so far in it)



Utilities Department

MEMO

TO: Chair Leary and Commissioners of LAFCO of Napa County

FROM: Phil Brun, Utilities Director 

DATE: June 26, 2020

SUBJECT: Comments on Draft Countywide Water/Wastewater Municipal Service Review

City of Napa Water staff have been intimately involved with providing information and participating in multiple stakeholder meetings as the draft report was being prepared. In addition, we provided comments on the administrative draft and our comments are generally reflected in this draft report for public review. I commend the consultant and your Executive Officer in their preparation of a comprehensive report.

The Utilities Department has further reviewed the draft report at the staff level and offers the following comments and questions for Commission consideration:

1. Congress Valley Water District

- Page 176 – The second paragraph under the heading “Expansion of the City’s SOI and Annexation of CVWD Territory” makes the case that an amendment to the City’s SOI is an ideal service structure based on LAFCO’s purpose. Despite this, the next paragraph quickly concludes that an SOI amendment is not feasible because there is no potential for a future boundary change due to the City’s RUL. However, there is a potential for future change to the City’s RUL by voter approval, as occurred during the November 2014 election. **Given that an SOI amendment aligns with LAFCO’s purpose to encourage logical boundaries and promote efficient delivery of services, further discussion and analysis of LAFCO policy and options associated with an SOI amendment is warranted in this section rather than concluding that an SOI amendment is not feasible.**
- Page 178 – Under the heading “Dissolution and Continued Services by the City of Napa”, the use of Government Code 56133.5 is suggested. However, this legislation expires on January 1, 2021 and it is my understanding from an email from Executive Officer Freeman in April that Senate Bill 799 to extend the expiration deadline has been taken of the legislative calendar this year. Given

that the current contract for water service to CVWD does not expire until 2022, there is the real possibility that 56133.5 will expire before action is taken. **Therefore, this section should be modified to account for the possibility that Government Code 56133.5 expires on January 1, 2021 and identify options under Government Code 56133.**

2. Trucked Water

- The following comment regarding policy for trucked water in the unincorporated area was provided as part of the review of the administrative draft:
Given that the concern is “potential to promote development and growth in unincorporated areas where water supply is not sustainable, and which may adversely affect agriculture” it seems that that the County should be setting policy for approved uses and locations rather than the water/recycled water supplier. Trucked water could come from anywhere, not just suppliers in the county. The supplier is not necessarily in a position to control where their product goes and how it is used, nor do they have any land use authority in the unincorporated areas. However, the County can set land use rules and administrative policies to manage the use of trucked water in the unincorporated areas.
- In response to this comment, a statement that the “County should establish policy for approved uses and locations of transported water to manage the use of trucked water in unincorporated areas” was added to page 44. However, on page 183 the recommendation remains that the City define approved uses and locations for trucking of water to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable. The County is the responsible agency to manage growth and development in the unincorporated areas and should be defining approved uses and locations for trucking of water, not the City. **The recommendation should be modified to recommend that the City comply with future County policy for approved uses and locations for trucked water in unincorporated areas.**

Thank you for your consideration of the comments provided herein. City staff look forward to continued collaboration on this study.

July 14, 2020

RE: Napa Countywide Water and Wastewater Municipal Service Review Public Review Draft

Dear Mr. Freeman:

This letter is to provide clarification and/or corrections to data included in the Municipal Service Review. Please see the comments below:

Page 193

Municipal Sewer District No. 1 appears to be a relic of previous circumstances and no longer provides a benefit to the City's operations but instead creates an extra layer of unnecessary process. It is recommended that the District be eliminated, and its functions continued as part of the City's Finance and Public Works Departments, similar to other cities.

Public Works Director Comments: **Agree. The adopted General Plan Policy LU1. 2 essentially covers no utilities beyond urban limit line therefore those within should be allowed to connect without annexation.**

Page 200

Land Use Element

Public Works Director Comments: **What about: LU1.2 Allow urban development to occur only within the Urban Limit Line. Consider an exception for on-site employee housing on Agricultural lands. Urban services, such as sewer, water, and storm drainage, will only be extended to development within the Urban Limit Line.**

Page 201

Additionally, the recent General Plan Update has precluded connections to the municipal water, sewer and storm drainage system outside of the City's ULL. **LU1.2**

Page 203

Overlapping Service Providers

There are no overlapping water service providers within the City of St. Helena; however, both the City of Napa and St. Helena provide water services to the Rutherford property (Beaulieu Vineyard), which is outside both cities. There is an opportunity for greater collaboration between the two cities to ensure that duplicative services to not occur in other locations.

Public Works Director Comments: **Agree**

Page 205

A third well, also near the Napa River but just north of Pope Street, provides untreated water that is used for irrigation in nearby areas, including Jacob Meily Park.

Public Works Director Comments: **Just serves the park**

When an application for an agricultural well is submitted, the applicant must also submit a study by a hydrogeologist to determine the project's actual effects on the groundwater system and provide for mitigation of any resulting negative impacts.

Public Works Director Comments: **May be required to submit a study by the Public Works Director per SHMC 13.16.070 Permit approval/denial, Section C**

The amount of water purchased from the City of Napa has been gradually increasing. The last such increase was brought about by the necessity to allocate more water for fish habitats.

Public Works Director Comments: **It has? If we went over the 600 AF allocation it was due to an operational overage and not bypass requirements.**

Page 206

As part of the lawsuit settlement, the City agreed to divert more water from the reservoir to the creek. Thus, water lost due to the diversion is now purchased from the City of Napa.

Public Works Director Comments: **This is an inaccurate statement. The 2018 interim bypass plan study concluded that the plan would have a minimal impact on the storage volume of the reservoir and would not require the City to tap any other sources of water to make up for the difference**

Page 208

Demand/Supply Analysis

As was already mentioned prior, annual yield from Bell Canyon in recent years has been significantly less than in prior years, primarily because more water is now diverted to support fish habitat. Most recently, City of Napa water supply has become an increasing percentage of St. Helena's total supply. St. Helena is also seeking to reduce its withdrawal of groundwater in non-drought years, in order to give the aquifers in the area of the Stonebridge Well Complex an opportunity to recharge.

Public Works Director Comments: **Inaccurate statement**

Often "safe yield" is thought of as the supply that can be reliably delivered under worst-case (drought) conditions. However, it was also apparent that under such an approach, the demand on the City's water system, even at the reduced levels of recent years, exceeded the "safe annual yield."

Public Works Director Comments: **Which years?**

Page 211

The three Meadowood tanks are constructed of redwood, have leakage, and are considered to be in poor condition. The City has not yet addressed this issue as a funding source is yet to be identified.

Public Works Director Comments: **Inaccurate, funding is available with the adoption of the 2017 rate study**

Page 212

Infrastructure Needs

6) installation of smart meters, and 7) software upgrade for meters.

Public Works Director Comments: **Where in the CIP?**

Page 215

Wastewater Services

Land Use Element

Public Works Director Comments: **LU1.2 should be added here as well**

Page 216

Service Area

All sewer connections are located within the city boundaries, with no out-of-agency sewer services provided.⁴⁵⁹ However, Meadowood, which is to the north of St. Helena, has expressed interest in connecting to the City's system and the State is supportive of the City taking on these services.

Public Works Director Comments: **Is this referencing the States general goal of consolidation private to public utility agencies?**

Page 217

The three licensed water treatment operators who are employed in the Water Treatment Division of the Public Works Department are also licensed in wastewater treatment and provide standby operation of the City's Wastewater Treatment Plant.

Public Works Director Comments: **The City has three licensed water treatment and three wastewater treatment operators. The goal is to have overlap licenses to have reciprocal backup.**

Page 219

The next step is determining a funding plan consisting of some combination of a general fund loan, bonds, and a USDA rural fund loan, and then issuing a Request for Proposals in February 2020 for construction of the plant improvements, in order to stay on track to meet the required deadlines.

Public Works Director Comments: **This is outdated information; the project is now on a design bid build approach.**

Page 222

5) The City makes reservoir water available for trucking of non-potable water for irrigation and construction. At present, there are no limitations on who may make use of the water for trucking. In order to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable and which may adversely affect agricultural uses, it is recommended that approved uses and locations for trucking of water be defined in the City's municipal code.

Public Works Director Comments: **This is outlined in SHMC 13.04.080 B. Nontreated (Raw) Water from Lower Reservoir**

Page 225

- ❖ The City makes reservoir water available for trucking of non-potable water for irrigation and construction. At present, there are no limitations on who may make use of the water for trucking. In order to ensure that trucked water does not promote development and growth in unincorporated areas where water supply is not sustainable and which may adversely affect agricultural uses, it is recommended that approved uses and locations for trucking of water be defined in the City's municipal code.

Public Works Director Comments: **SHMC 13.04.080 B. Nontreated (Raw) Water from Lower Reservoir**

Regards,

City of St. Helena
Department of Public Works

Sent by email
Confirmation of Receipt Requested

July 20, 2020

Mr. Brendon Freeman
Executive Director
Local Agency Formation Commission of Napa County
1030 Seminary Street, Suite B
Napa, California 94559
bfreeman@napa.lafco.ca.gov

RE: Draft Countywide Water and Wastewater Municipal Service Review
City of St. Helena Comments

Dear Mr. Freeman,

On behalf of the City of St. Helena and the St. Helena City Council, I would like to thank you and the Local Agency Formation Commission (LAFCO) of Napa County for your important work on the Countywide Water and Wastewater Municipal Service Review (MSR). On July 14, 2020, the City of St. Helena City Council had the opportunity hear public comment and provide additional direction on the MSR Draft in addition to my earlier document clarification letter submitted on July 14, 2020. We understand that written comments on the draft MSR report will be incorporated into a final report that will be adopted as part of a future public meeting.

The following are comments specific to the MSR recommendations for the City of St. Helena:

1. The City concurs with the recommendations to update water service planning documents and is currently working on an Integrated Utility Master Plan addressing Water, Wastewater and Stormwater needs for the City with a virtual City Council workshop being held on July 30, 2020 to discuss the draft documents.
2. The City concurs with the recommendations to further water supply studies assessing future use of existing sources and identifying potential new sources.
3. The City will need to further evaluate and potentially consider LAFCO's recommendation to eliminate the St. Helena Municipal Sewer District No. 1.
4. The City concurs with the recommendations to evaluate existing duplicative water services provided by the City of St. Helena and the City of Napa in the Rutherford Road area, which is outside both cities. It is important to note that the City of St. Helena does not allow for new water services outside the City limits therefore new duplicative services are unlikely.
5. The City believes the recommendation regarding unlimited non-potable water services is in

error since the St. Helena Municipal Code 13.04.080 B. Nontreated (Raw) Water from Lower Reservoir specifically restricts usage to within the City and users are required to have a permit and/or contract agreement. However, there is room for improvement at the specific raw water station which is operated on the honor system. Improvements to the raw water station were identified in the 2017 adopted rate study as a future capital improvement project.

6. The City concurs with Napa LAFCO's recommendation to consider including the noncontiguous city-owned properties in the City of St. Helena's SOI during its next update, or if LAFCO wishes to continue the practice of excluding these properties from the City's SOI, then it may consider clarifying its intent in its policies.

In addition to the comments specific to the City of St. Helena MSR recommendations, the City has the following:

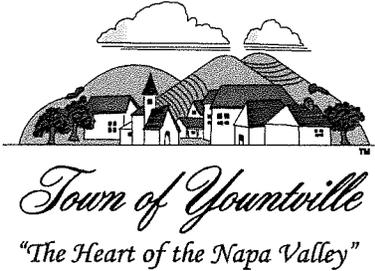
7. LAFCO should include recommendations in the MSR study regarding the protection of all municipal watersheds throughout the County by creating water quality buffer zones in the Agricultural Watershed Districts and to establish regulations related to oak tree and oak woodland removal due to development and vineyard conversions.
8. LAFCO should include a recommendation in the MSR study that the County of Napa establishes a policy to consult with and require joint jurisdiction approval in conjunction with a County permit if a proposed project, such as a vineyard conversion, is within another jurisdiction's municipal watershed.
9. LAFCO should include a recommendation in the MSR study for the County of Napa and City of St. Helena to jointly engage in a Bell Canyon watershed study. Such a study could include the creation of a watershed runoff computer model which considers weather patterns, topography, land use, land cover, air quality, septic systems, water diversions and potential projects that threaten the City's municipal water supply.
10. Additionally, the City is currently in design and the start of environmental review of the planned upgrades to the wastewater treatment plant to tertiary level treatment. The completed project presents an opportunity to eliminate septic or other stand alone treatment systems both within the City and potentially other nearby unincorporated properties. Therefore, the City is recommending LAFCO's support now for any private unincorporated properties that may be interested in establishing a city sewer connection under the pilot provisions of Government Code 56133.5.

Thank you for the opportunity to comment and for your consideration.

Sincerely,

Erica Ahmann Smithies, P.E.
Public Works Director/City Engineer
esmithies@cityofstheleena.org

cc: St. Helena City Council
Mark T. Prestwich, City Manager, mprestwich@cityofstheleena.org
Jennifer Stephenson, PCA Project Manager, jennifer@pcateam.com



July 10, 2020

Napa County Local Agency Formation Commission
Brendon Freeman, Executive Officer
1030 Seminary Street, Suite B
Napa, CA 94599

Via E-mail to bfreeman@napa.lafco.ca.gov
jennifer@pcateam.com

RE: Town of Yountville response to LAFCO MSR for Water and Wastewater Services.

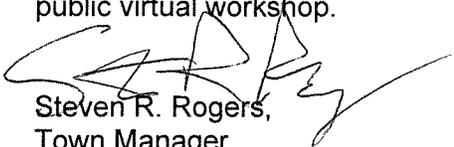
Dear Chair Leary, members of the Commission, and Mr. Freeman,

This letter is written in support of the recommendations and analysis included in the Napa Countywide Water and Wastewater Study MSR with focus on those that pertain to the Town of Yountville's Water and Wastewater Services. The Town of Yountville Town Council met on July 7, 2020 and received a presentation on and discussed the findings and recommendations which are outlined in the report. The Yountville Town Council was unanimous in their support of the recommendations as presented in Chapter 8 of the study.

Specifically, the Council is supportive of continuing the work and conversation related to the Annexation of Domaine Chandon parcel in the Town's Sphere of Influence (SOI), and the discussion to encourage, and evaluate the potential creation and implementation of a Countywide Water District or other regional approach.

While the Town Council understands this is the beginning of the conversation, they are keenly interested in continuing the momentum this study (and the previous SOI) have created. In that context they as a group want to make sure this momentum is not curtailed. The Town Council expressed interest in appointing representatives to be part of a regional discussion. The urgency to continue the conversation, and studies and the need to provide the appropriate resources and time given the complexity of the issues.

On behalf of the Town Council, I respectfully submit the Town's response for the July 13, 2020 public virtual workshop.


Steven R. Rogers,
Town Manager

Copies: Town Council
Joe Tagliaboschi, Public Works Director
Sandra Smith, Planning & Building Director



RECEIVED

AUG 3 2020

NAPA COUNTY
LAFCO

July 15, 2020

Honorable Commissioners:

The Congress Valley Water District (District) Board of Directors appreciates this opportunity to offer comments on Napa County LAFCO's proposed Countywide Water and Wastewater Municipal Service Review.

The draft MSR acknowledges that there is no duplication of service between the District and the City, but nonetheless suggests that there is "potential for greater efficiency of service...as two separate agencies are not needed to offer the current level of services," and suggests that dissolution and reorganization is therefore appropriate. This outlook misunderstands the relationship of the District and City as wholesaler and retailer, and discounts the important representative function that the District plays for its landowners.

The District Plays an Important Role in the Provision of Water to its Landowners

The District is a landowner voting district, formed and organized under the California County Water District Law (Water Code section 30000 and following). It is empowered, among other things, to "do any act necessary to furnish sufficient water in the district for any present or future beneficial use," (§ 31020) to sell, use, and dispose of surplus water (§ 31023); to construct and operate waterworks (§ 31005); and to restrict the use of water in times of drought (§ 31026). Its authority to manage water within its boundaries is unique and distinct from that of the City or County, and it exercises that authority in part by negotiating water service agreements, by reviewing proposed new connections to its system, and by providing a voice for District landowners in water management issues in the area.

For example: the District and the City of Napa are parties to a long-term water service contract (Agreement), originally entered into in 1951, renegotiated in 1987, and amended in 2017 and 2018. Under the current operating terms of that agreement, the City provides the District with wholesale water at the then-current Outside City rates. Consistent with the 2018 Amendment, the District has authorized the City to directly bills its customers for their water use at the Inside City rates that had been in place under the prior iterations of the Agreement. The District funds any differential through reserves, paying the City directly to account for the differential.

The District Board is a conscientious and responsible steward of its resources, and it exercises appropriate oversight over billing and financial operations. In 2018, the Board underwent a significant financial planning effort, resulting in a partial refund to its landowners of past charges and an on-going arrangement to off-set the then pending City rate increase for as long as the finances of the District would responsibly allow. These efforts demonstrate the Board's commitment to serving its constituents, and the unique fiscal and fiduciary responsibilities it exercises on behalf of its landowners.

It is important to understand that District's land uses and voter makeup are also distinct from those of City residents, and the City's current governance structure provides no avenue for representation of these voters. As the draft report acknowledges, annexation into the City for these lands is not feasible in the near term. Elimination of the District's board and administrative structures (which are already lean), likewise eliminates these landowners' primary form of advocacy and representation before their water service provider. Unlike City residents, who may vote to unseat a councilmember if they are unsatisfied with their water service, District landowners' sole recourse is through the District Board. That Board is empowered and authorized to negotiate on its landowners behalf with the City as a wholesaler, and has done so for many years.

Finally, though the City bears responsibility for the operation, maintenance and replacement of the District's water delivery system, that system is not included within the City's Capital Improvement Plan. The District is actively engaged with consultants and engineers to identify additional capital outlays that would benefit its landowners, including upgrades to existing deliveries, improved efficiencies, and the implementation of water storage resiliencies.

Dissolution is Not Consistent with the Goals of Government Code section 56133.5

Government Code section 56133.5 establishes a pilot program under which, notwithstanding the

The District is required to initiate and facilitate discussions with the City, LAFCO, and Napa County to establish a transition plan 2 years before the Agreement's expiration. The District formally initiated that discussion on July 14, 2020. The resolution "may include some combination of the District's initiation of dissolution proceedings, the City otherwise taking over the District's responsibilities to provide water service, a longer term commitment by the District to continue to provide water service, or another option mutually agreeable by the District and the City."

Section 56133.5 was intended to allow for the provision of services in special circumstances where that extension not only avoids duplication, but is also consistent with the needs of the landowners and constituents in the area proposed for service. Here, the services are already available to landowners at an appropriate cost and high degree of efficiency, and the extension would result in the disenfranchisement of the same landowners with nominal actual benefit to their water deliveries. Landowners without existing connections at the time of dissolution would be further disadvantaged, in that they would be required to appeal to the City for the provision of services under Section 56133.5, instead of simply opting into existing deliveries under the District's contract.

Section 56133.5 is intended to facilitate the efficient provision of services where a deficiency has been identified: it is not intended to eliminate existing small suppliers, and it should not be used to hasten the dissolution of the District in favor of replacing one service provider with another.

Recommendation #2 (District Website) Has Already Been Addressed

Finally, the Board wishes to report on progress made since the issuance of the Draft report. The District previously adopted an exemption from Government Code section §54954.2's website requirements. The need for this exemption was driven by the lack of available expertise on staff and the volume of work necessary to ensure that the District's website was not only full operational, but compliant with the more detailed posting and update requirements of both AB 2257 and other access and publication rules, including the Americans with Disabilities Act. In early 2020, the District directed staff to obtain quotes for outside consultants who could maintain and operate a compliance website. The District expects to award that work and have an operational website in place by the fall of 2020.

The District thanks the LAFCO commissioners for their consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Richard Nominni". The signature is written in a cursive, flowing style.

Richard Nominni
Director, Congress Valley Water District

June 24, 2020

LAFCO of Napa County
c/o Ms. Jennifer Stephenson
1030 Seminary St Ste B
Napa, CA 94559
(Sent via e-mail: jennifer@pccateam.com)

RE: NRRD Initial Response to 2020 Napa Countywide Water and Wastewater Municipal Service Review Public Review Draft

Dear LAFCO of Napa County

I have been requested, as legal counsel for the Napa River Reclamation District (District or NRRD), to provide an initial response to the May 2020 Napa Countywide Water and Wastewater Municipal Service Review Public Review Draft (Review). The NRRD's responses and recommended changes to the draft Review are as follows:

Page 398, Capital Assets: ...

"The District has no CIP, however, it has recently commissioned technical studies to evaluate capital improvements for its wastewater system and for flood control."

RESPONSE: The following changes as shown in red are recommended: "The District has no CIP, however, it has recently commissioned technical studies to evaluate capital improvements for its wastewater system and for potential flood control **alternatives for its facilities and for the community.**"

Page 400, Type and Extent of Services

RESPONSE: The following statements should be added to this section: Water Code section 50652 specifies that reclamation districts have powers over the reclamation works that the districts own. The NRRD did not construct and does not own the

residential levees within the District. It does own one flood control pump station and the levees/berms on NRRD property. Therefore, the District does not have power over the resident owned/non-NRRD levees. Residents are responsible for maintaining their own levees.

Page 405, Governance Structure Options

The Review suggests that the District reorganize into a Community Service District (CSD).

RESPONSE: Several years ago, the District voted against converting to a CSD. The property owners within the District formed the District to have some control over the costs of services. The Review does not discuss the projected costs of reorganization.

The Review suggests that the District “reorganize as a zone of NCFCWCD for the purpose of providing reclamation services –this option would place the area under the jurisdiction of NCFCWCD and enable the creation of assessments, with the approval of residents, to fund increased reclamation and flood control services.”

RESPONSE: The NRRD does not have a formal reclamation plan and primarily provides sewer services. The NCFCWCD does not provide sewer services. The Review does not address what entity would provide sewer services or what reclamation services the NCFCWCD would provide. If an entity (NRRD, NCFCWCD, or otherwise) were to purchase property rights to the private levees and ultimately improve them, it is likely that such an action would result in increased assessments against the parcels. The Review does not address the anticipated amount of the increase in assessments.

Page 406: Recommendations

“NRRD should expand the content available on its website to include financial documents such as past and current budgets and financial reports. Additional content can be added, as resources permit, to improve public access to District information and to comply with Assembly Bill 2257 (Government Code Section 54954.2).”

RESPONSE: The NRRD website is compliant with Government Code section 54954.2. Section 54954.2 does not require the NRRD to post budgets and financial reports on the website. These documents are available at the NRRD Board meetings, at the NRRD office, and upon request.

///

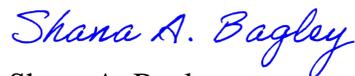
Page 407, Status of, and Opportunities for, Shared Facilities:

The Review recommended that “NRRD and its residents should explore opportunities to work with the Napa County Resource Conservation District (NCRCD) to educate constituents with regard to activities to control settlement along their portion of the levee.”

RESPONSE: At this time, the NCRCD does not have expertise regarding levee maintenance. However, this fact should not to discourage the NRRD or residents from utilizing the NCRCD in other capacities.

Please contact the NRRD or me should you have any questions.

Very truly yours,



Shana A. Bagley
Deputy County Counsel
NRRD District Counsel

CC: Penny Wilson, NRRD Assistant Manager

From: agalbraith94574@gmail.com
To: [Freeman, Brendon](#)
Subject: Fwd: Bell Canyon Storage Right
Date: Sunday, July 12, 2020 4:40:17 PM

[External Email - Use Caution]

See below. You can publish as a public comment if you like. Alan

Sent from my iPhone

Begin forwarded message:

From: agalbraith94574@gmail.com
Date: February 21, 2020 at 11:27:07 AM PST
To: Mark Prestwich <MPrestwich@cityofsthelena.org>
Cc: Erica Smithies <esmithies@cityofsthelena.org>
Subject: Bell Canyon Storage Right

Per our conversation, the GP incorrectly states that the City has the right to divert and store 3800AF. This error continues to be repeated in city documents. E.g., Attachment 1 (Synopsis of Chapter 4-Public Facilities Services Element of St. Helena 2040 General Plan Update Regarding Water) attached to Old Business outside City water policy matter on CC October 22 Agenda.

The 3800 AF combines the storage “right” on State Water Board Permits 9157 (1800 AF and 14810 (2000 AF). However, the City never raised the Bell Canyon Dam in accordance with Permit 14810. Hence, the City never earned the 2000 AF storage right conferred in that permit. Our storage right is 1800AF.

Now, actual storage capacity at Bell Canyon is about 2300 AF. Two points: (1) a storage right to my understanding is not issued in excess of the physical storage capacity of a reservoir; (2) a certain amount of capacity is reserved for fire protection (roughly 500 AF at Bell Canyon). The City’s storage right is in consequence well under the reservoir’s capacity.

Now, as I mentioned, I thought I had this corrected in the GP Update (years ago, I worked out appropriate language with John Ferons after significant discussion of this issue), but somehow the error came back in.

Hope this is helpful.

Alan

Sent from my iPhone

Thursday, July 16, 2020

Mr. Brendon Freeman
Executive Officer
NAPA LAFCO

Thanks so much for providing me with a hard copy earlier this week of the Napa Countywide Water and Wastewater Municipal Service Review Public Review Draft (May 18, 2020).

I offer the following comments (some are just nits) concerning the Executive Summary (as it pertains to St. Helena) and concerning Chapter 7 (St. Helena):

Executive Summary:

1. Page 1: Note one (repeated in note one on page 13): I am not sure what is meant by “reclaims” (“The City of St. Helena reclaims water for use on city-owned irrigation fields etc.”). The City uses non-potable water from a well in the small park to the north just before the Pope Street Bridge to irrigate Jacob-Meily Park and other nearby areas, as correctly noted on page 205, second paragraph, under Stonebridge Wells. As noted on page five under “Recycled Water,” the City has no capability at this time to make recycled water services feasible. (I am assuming that reclaimed water is the same as recycled water.)
2. Page 4: First paragraph under Recycled Water, the second sentence states: “The City of St. Helena is considering implementing a recycled water program.” As noted in the third sentence of the third paragraph under the same heading, the City must complete substantial improvements at its wastewater facility to “make recycled water services feasible.” It seem that any meaningful consideration of “implementation” is significantly premature at this time, and the second sentence should be stricken.

Chapter 7:

1. Page 187: Manner of Selection under Governing Body is not correct. The St. Helena mayor stands for election every two years. Also, under Governing Body all members are “Council members,” including the mayor and vice-mayor.
2. Page 187: Under Purpose (Municipal Services Provided: “solid waste (Upper Valley Disposal & Recycling).” St. Helena residents contract directly with Upper Valley to provide waste disposal; the City is not involved. Now, it may be that the intent is that Upper Valley also provides disposal services to the City itself (like any other customer). This could be clarified in further discussion with City staff.
3. Page 190: First sentence; see comment 1 immediately above.

4. Page 194: Balanced Budget, second paragraph. Insert “projects” after capital. More importantly, the statement about the adequacy of recently adopted rate increases on the wastewater side seems inconsistent with the statement on page 219, addressing the financing of the planned wastewater upgrades (as required under a RWQCB Cease & Desist Order): “The next step is determining a funding plan consisting of some combination of a general fund loan, bonds, and a USDA rural fund loan etc.” It would appear, in short, that the current wastewater rates are not sufficient to fund regulatory required upgrades at the wastewater plant. The same would also appear to be true with respect to Water Enterprise capital projects; see discussion under point 11, addressing the obsolete Meadowood tanks.
5. Page 195: First sentence. See comment 4 immediately above. The sentence appears to be stating that fund balances and reserves are sufficient to fund longer-term capital needs, but per page 219 (wastewater) and 211 (water) that does not appear to be correct.
6. Page 204: Bell Canyon Reservoir, second paragraph. As explained in a prior email to LAFCO, the City’s storage diversion and storage right is 1800AF under Division of Water Rights Permit 9157 (1952). Division of Water Rights Permit 14810 (1973) would have increased the City’s diversion and storage right by an additional 2000AF, bringing the total to 3800AF. However, the Bell Canyon Dam was never raised as contemplated in Permit 14810, so that the diversion and storage right remains at 1800AF. See page 209, correctly stating that Bell Canyon Reservoir has a storage [right] capacity of 1800 AF. (The estimated total capacity of the Reservoir is around 2350AF.)
7. Page 205: Second paragraph, under Napa water. The 2020 annual cost is approximately \$1.5 million (\$2500 per AF). City Finance Staff can provide the precise annual cost figure.
8. Page 206: First paragraph under Lower Reservoir; the third sentence reads: “In 2019, 11 customers pumped water from the reservoir.” Customers do not pump from Lower Reservoir (which is fenced in) but from a water station adjacent to RLS Middle School.
9. Page 206: Under Emergency Preparedness, after mention of the capped well on the city-owned Adams Street property, the text continues: “It is unknown what volume of water might be expected from the well as it is capped.” The City in fact tested flow rate of the well in, I believe, 2011, with a written report. The well’s productivity was not unknown, at least then. (My understanding is that the well was drilled shortly before the City’s purchase in 2000 of the Adams Street property. The purpose was to support a high price for the property (at that time).)
10. Page 210: First full sentence states: “The City is in the design phase of replacing the intake tower.” My memory is that the intake tower was replaced

perhaps two years ago (when I was mayor) at considerable cost (more than \$1.5 million). My recollection is that there was controversy over the final contract amount, and the matter was settled. City staff should verify this information.

11. Page 211: Under Storage Facilities, the statement is made that the City has yet to find a funding source to replace the three Meadowood storage tanks. To be clear, the Meadowood tanks are assets of the City's Water Enterprise, and are so listed as among the owned assets of the Enterprise in a formal listing on file with State Water Board (State Assigned Nos. T003, T004, T005). As they are capital assets of the Water Enterprise, their replacement cost is a responsibility of Water Enterprise ratepayers. The fact that the City is looking for funding sources not just shows that the replacement cost is not sufficient as estimated in the current rate base (if included at all) but also indicates that the Water Enterprise does not have the capital in the current rate base (after the recent increases) to address an immediate and and major (around \$500,000 but check with City staff) capital improvement need.

12. Page 214: First full paragraph states that the Public Works Department "set aside funds to replace the obsolete redwood tanks that serve the Madrone Knoll area and the Meadowood resort." See point 11 immediately above. It seems clear that the City has not set aside funds for replacement of the three tanks because it is looking for a funding source to replace them.

13. Page 225: Fourth paragraph under "Relationship with Regional Growth Goals and Policies," third sentence: the word "not" should be "now" in the sentence that in the Draft reads: "New water connections to parcels located outside the City's jurisdictional boundary are not prohibited by municipal code, which aligns with State legislation and LAFCO policy." St. Helena Municipal Code section 13.04.050 H. prohibits connections outside City limits except for fire safety. My understanding is that this is a long outstanding prohibition in the City's water ordinance (going back decades) so that the word "now" is also not appropriate.

You can post or not post these comments as public comment as you see fit. I am copying the St. Helena City Manager (Mark Prestwich), Finance Director (April Mitts), and Public Works Director (Erica Smithies). I am sure they will advise of any inaccuracy in the foregoing.

Respectfully submitted,

Alan Galbraith
(Mayor, City of St. Helena, 2014-18)

Saturday, July 25, 2020

Mr. Brendon Freeman
Executive Officer
NAPA LAFCO

AMENDED PUBLIC COMMENT

It has come to my attention that my Comment 10 in my comment letter of July 16, relating to the Intake Tower at Bell Canyon, is mistaken. In fact, as stated in a City-prepared "Capital Improvement Project Updates" dated July 24, 2020, the Bell Canyon Intake Tower Replacement (Project W-109) is in the design stage (at 65% according to the Update), as was correctly on page 210 of the MSR.

I would urge your consultants to review the City Staff Report and attachments for the Special City Council meeting scheduled for July 30. The Staff memo includes CIP costs for water, wastewater, and storm drain. The Staff Report contains the following concerning sentence: "Given the scale and projected cost of system deficiencies and future needs, it will be necessary to prioritize system improvements, *as the monetary extent of system needs were not considered in the current utility rate structure and likely exceeds the overall ability for City ratepayers to absorb these expenses in future rate studies.*" Italics added. This is directly relevant to comments 4, 5, 11, and 12 in my public comment of July 16, 2020.

I also suggest that your consultants review the slide presentation of Carolla Engineers, Inc., which is attachment four to the City Staff Report for the Special City Council Meeting of July 30.

Respectfully submitted,

Alan Galbraith
St. Helena Mayor, 2014-18

LAFCO Countywide Water & Wastewater MSR 2020 –

2257 compliance:

Page 5: recommended for ALL agencies

And yet repeated throughout for each one

Accountability and Governance for each section

Does not uniformly say: is or is not compliant with SB 929 and AB 2257

Appears to be random

See e.g. page 451 and 472 (Spanish Flat).

Under Financial Planning – not Accountability - Page 455: did not say HOW Spanish Flat is not meeting 2257 requirements

Page 470: Website mentioned under delivery (inappropriately – and it says ‘while developing website’ – yet on page 472 – says they recently developed a website.

DUCs –

Table of contents – background given – but it is not in overview!

Overview -should say – there are none in Napa County

Other

Page 47 – what is 3rd bullet referencing? – “some water resources not being used to fullest extent possible”

Page 48 – “25 water agencies” – only 25?

Page 49 – how was this conclusion reached? (need for countywide water agency)

Page 55 – quote with no citation

Paragraph doesn’t make sense

Water Quality –

7 places where it says Resources Board instead of Resources Control Board

In general, paragraph on page 36 is repeated – 88, 129, 172, 213, 252, 281, 303, 325, 368, 462

Calistoga

P. 107 - Measure J – should say Measures J & P (J runs out 2020; P extended it to 2058).

P. 142 – Measure J and Agricultural Preserve are two separate things

Why isn't statement about J & P made re Yountville? It is equally applicable there, and as well to City of Napa.

City of Napa

Page 173, first paragraph: internal inconsistencies include describing two treatment plants, when I think there is only one; describing the treatment plant effect differently in sentences 2 and 4; and inconsistent description of effect of septic systems in the watershed.

St. Helena

Page 190 – Mayor is 2 yr. term. Council are staggered 4 yr. terms (2 elected every 2 years)

Page 193 – where is map of Municipal Sewer District?

Page 191 – the city is “largely built out”

Page 207 – city is “largely developed”

Same terms used for Yville and AC (within its ULL) but it is largely true there – i.e., there are buildings to the town/city limits (more or less). While in St. Helena, half the area within city limits is agriculture (vineyards).

Either say “built out within UGB/ULL” – or do not say it
St. Helena is not ‘built out’ when you look at the city limits.

Page 209 – how much is the tertiary treatment plan a reality?

Page 216 – no such thing as Spring Rock Road

Yountville

Page 240, second paragraph – some errors. See accompanying notes.

Page 244, first paragraph – last sentence is not a sentence.

Why isn't sale of Town's water rights (what water rights?) explained somewhere?

Page 245, second paragraph – should reference that statewide drought ended 2017.

Page 249, last line – “this year” = 2020? If so, say so.

Page 262, 1st bullet: “Some County water resources not being used ...” Which ones?

Circle Oaks

Page 273 – two paragraphs about population projects are not relevant to Circle Oaks

Page 273 – is Walt Ranch on 3 sides of Circle Oaks?

Population -

Population analyzed by new building on pages 272-273
BUT THEN the averages for Napa County are used – the latter are not appropriate.

Congress Valley

Page 301 – Water Supply is appropriately described in brief because it all comes from City of Napa, which is already described on pages 161-165.

Page 303-304 – Water Quality, on the other hand, has a much longer description, which is entirely repetitive (except for one sentence) as that for the City of Napa (pages 172-174) and seems unnecessary. It seems like Water Quality ought to have the same brief description as Water Supply, because it all comes from City of Napa, and is already described on pages 172-174.

NCFCWCD

Page 380 – meetings – 1st of every month? Website/agenda don't tell location of meeting?

Spanish Flat

Effect of Fire: how much will be rebuilt?

Ability of Berryessa Pines to bear the burden of the system?

From: Bruce and Carol Barge <2barges@gmail.com>
Date: July 17, 2020 at 7:55:26 PM PDT
To: jennifer@pcateam.com
Subject: Napa Oaks II

Hello Jennifer,

I am submitting the following comments to the Countywide Municipal Service Review in which Napa Oaks II was briefly described in its summary and overview. As background to these ensuing comments, Napa Oaks II is a neighboring property to our home and as such, we are intimately knowledgeable about the proposed development.

Napa Oaks II

*Approximately 2.5 acres as part of the 80.63 parcel is located along Casswall Street and has access/hook-ups to city water. Part of the 2.5 acre parcel consists of an occupied rental home. The remainder of the property - approximately 78 acres of hillside property has no infrastructure and would need city water/sewer services installed if it were to be developed.

*Napa Oak would create runoff due to hard surfaces to accommodate the subdivision, such such driveways, roadways, gutters, sidewalks, etc.

*To mitigate this runoff, the most recent proposal included constructing a six foot high, approximately half acre holding pond to slow the runoff from the steep hillside during winter rains and release it slowing into the sewer system. This holding pond was to be located on Casswall Street, bordering an existing neighborhood. This could potentially threaten existing homes by breaching during exceptionally wet winters such as we experienced in 2016. It could also pose a safety hazard for people, pets and wild animals breaching the proposed fencing surrounding the pond to gain access to it.

*The holding pond would not address the underground water that leeches from the hillside. Homes located at the base of the hillside experience runoff in their streets, driveways and yards for weeks after a single rain. For those homes who have basements, residents have installed sump pumps to drain away the excess runoff to avoid flooding their homes and yards.

*The most recent Napa Oaks EIR determined that more than 500 mature oaks trees would have to be removed in order to build out the development. These decades, and in some cases, centuries-old trees support ground stability, prevent runoff and sequester carbon emissions.

*Earthquake faults are located on, and run throughout the property. This could threaten the proposed new homes and existing homes below the hillside. Burst water/sewer lines that crisscross the faults and the proposed holding pond below could fail. In a Napa Register updated article dated August 23, 2019 - "In 2018 new state maps show the locations of the West Napa Fault and associated faults in greater detail than ever before in such places as western city of Napa neighborhoods. To the south, the line runs through the hills near Old Sonoma Road that is the site of the proposed Napa Oaks II subdivision. The project's environmental impact report using post-South Napa earthquake research found surface fault rupturing. It calls for having geological setback zones and in some cases strengthened foundations."

*Residents of the development would have to "shelter in place" since the hillside is too steep for a fire truck. Given there is only one ingress/egress for the property, if residents tried to flee, there could be difficulty leaving the property. This is a very real threat to the lives of these residents, given the increasing duration and intensity of the fire season we are experiencing in California.

*A Roundabout was proposed at the bottom of the hill on Old Sonoma Road to slow the traffic coming down the hill. The U.S. Transportation Department guidelines do not support a roundabout on a grade as steep as the entrance to the property

*In addition to the many concerns about the physical viability of building on the hillside, the *type* of housing proposed does not mitigate the substantial need for affordable and workforce housing for the City of Napa. In fact, these proposed homes that would purportedly start in the high \$800k, increasing to well over a million dollars, do not address the “missing middle” housing need.

*Both the Planning Commission and City Council voted to deny the developer a zoning change that would allow for the housing development on the grounds listed above. Not all of which are listed.

*The City of Napa is currently in the midst of their General Plan Update. In this update, Land Use Designations are being created and proposed. Currently Napa Oaks II has a land use designation identified as RA (Resource Area) for specific parcels that are sensitive in nature. Currently, this designation allows for 4 homes to be built on the property. The new land use designation proposed for Napa Oaks II is known as Very-Low Density Residential – Primarily rural edges of the City. Density range 1.0 to 2.0 units per acre. If allowed to pass, between 78 - 156 homes could be built on the property. This would substantially increase the strain of water and other resources needed to build the development.

*During this same General Plan Update, many large and small parcels are being considered for housing to meet the needs of its current and future residents. Among these parcels is the Ghisletta Property, south of Napa that runs parallel to the 29. Napa Pipe, also south of Napa, Stanly Ranch (currently being build out), Big Ranch Road and a myriad of other infill projects.

Thank you,
Carol

Bruce and Carol Barge
251 Casswall Street
Napa, CA 94558
949-533-6747



Water Studies Everywhere - Not A Drop to Drink?

**A comprehensive analysis on Napa County's current situation,
and a strong recommendation for a better future approach**

by Daniel Mufson, Ph.D.

Where We Are Now

Suddenly it appears that water is the topic of study by numerous governmental bodies here in Napa. That would seem to imply that people believe that water is important and it needs to be cared for. We certainly agree with that premise. When you look at it, no other factor will have such a profound influence on what our lives look like in the coming years. Yes, climate change is important, and it is especially so on how it will influence our water supplies.

Let's take a look at the studies underway. In 2014 the Sustainable Groundwater Management Act became law. The legislative intent is to provide for sustainable management of groundwater basins, enhance local management of groundwater, and establish minimum standards for sustainable groundwater management.

The Department of Water Resources (DWR) has asked Napa County to come up with a plan for water sustainability in what is termed the Napa subbasin which they have determined is a high priority subbasin.

In late December 2019, the Board of Supervisors declared themselves the Napa County Groundwater Sustainability Agency (GWSA) and just this past week selected 25 members of the community to sit on a groundwater advisory committee. **This committee has two years to develop a plan to ensure the sustainability of our groundwater supplies.**

In Addition, A Task Force Formed

In September 2019 a group of water managers from the county and the municipalities also formed a task force to prepare for and respond to drought. This collaborative planning group will develop the following:

Drought Contingency Plans: How will we recognize the next drought in the early stages? How will drought affect us? How can we protect ourselves from the next drought?

Drought Resiliency Projects: Drought Resiliency is defined as the capacity of a region to cope with and respond to drought. The US Bureau of Reclamation provides grant assistance for drought resiliency projects identified in a DCP.

The area that they will study is larger than the study area of the GWSA as it will encompass the following critical sources and users:

- The Napa River watershed which drains into the northern edge of San Pablo Bay and includes an area of 430 square miles
- Urban and residential areas, extensive vineyards and agriculture, and diverse environmental habitats
- Water users in the area rely on a mixture of water supplies that include local surface water, imported surface water, groundwater, and recycled water

Let's focus on that last point that describes from where we get our water. If you live in the municipalities your water comes from reservoirs (surface water) and from the State/Sierras via the North Bay Aqueduct (imported surface water). In fact, more than half of Napa City's water comes from the state.

If you live in rural Napa County your water likely comes from a well (groundwater). Agriculture uses groundwater and some surface water from the Napa River.

The county has set aside the groundwater for agriculture as stated in the General Plan Goal CON-Reg 11: "Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land-use decisions recognize the long-term availability and value of water resources in Napa County."

There are some known water-deficient areas in the county such as the MST (Milliken-Sarco-Tulucay) where the county has placed limits on development and has encouraged the use of recycled water for irrigation.

The Problems and The Big Questions

The big issue is how much water will be available for use by residences, industrial, agricultural, and environmental uses in the coming years? The state has issued numerous reports on water security i.e., "**Safeguarding California Implementation Action Plans 2016**" to ensure that people and communities are able to withstand the impacts of climate disruption:

- Loss of snow-pack storage may reduce the reliability of surface water supplies and result in greater demand on other sources of supply".
- "As climate change reduces water supplies and increases water demands (as a result of higher temperatures), additional stresses are being placed on the Delta and other estuaries along the California coastline."

- “Each local water agency will have to contend with impacts to their local watershed, as well as upstream and downstream watersheds that influence local water supply or water quality constraints.”

With 80% of Napa residents living in the cities, what is the master plan to supply them with water when the state water project is no longer able to deliver and the reservoirs are compromised by drought and/or polluting runoff?

The Problem We Collectively Must Solve

How much water from all sources will be available and who gets to have it? We can study this to death; we can hire consultant engineering firms and pay them to develop numerous scenarios but we think we all truly know that the earth is warming, fire dangers are increasing, the weather is changing dramatically and therefore we ought to focus on planning for the worst-case.

In 2017 Napa Vision 2050 stated in a letter to the DWR that if all users of water in Napa County were to need to rely solely upon the groundwater we would be in an unsustainable situation. We still believe this to be the case.

Going Forward: A Clear, Consolidated Approach vs a Fractured System

Within the past month, **LAFCO** (our Local Agency Formation Commission) issued a most comprehensive draft report, “**Napa Countywide Water and Wastewater Municipal Services Review**” (May 18, 2020). The report thoroughly covers the history and operation of the many water service providers with recommendations regarding their administration and operation.

It is of great significance that this report introduced the concept of a county water agency and/or a countywide county water district. Benefits to forming such a county water district include:

- Efficient use of the County’s water resources
- Enhanced water resource management
- Solidarity amongst Napa water purveyors with greater leveraging power
- Greater scrutiny of all utility providers
- Enhanced technical and operational support for local providers
- Elimination of redundancies and duplication of efforts amongst the smaller systems
- Improved economies of scale.

Unlike the other two study groups mentioned above that cover a portion of the county’s water supply e.g. Napa County Groundwater Sustainability Agency-covers the Napa Valley subbasin (and just groundwater); Drought Contingency Plan Task Force-covers the watershed (with multiple sources of water),

LAFCO suggests an alternative governance structure, an agency that will cover the entire county. We think that LAFCO gets it right and we recommend that the Ground Water Sustainability Agency and the Drought Contingency Task Force come up with a format so that their work product will be a plan for all of Napa's water users to share the diminishing supply that belongs to the commons and will meet the human right to water.



From: Eve Kahn <evekahn@yahoo.com>
Date: July 18, 2020 at 4:21:57 PM PDT
To: "jennifer@pcateam.com" <jennifer@pcateam.com>
Subject: Napa LAFCO Countywide MSR
Reply-To: Eve Kahn <evekahn@yahoo.com>

Many thanks for consolidating the relevant information from all the cities/town and various water districts.

I was happy that Jay Gardner owner of the Meyers Water Company [that serves 100 homes at the South edge Napa alongside the Napa River] spoke of his challenges and issues. He seemed very interested in joining in a countywide agency/district that could provide stability for this small, isolated community. There are 10 other private water companies listed on page 14. I don't know if they have any interest in joining a larger, comprehensive water district/water agency - but this should be explored.

I spoke at the workshop of the importance of including surface and groundwater in a broader picture of Napa County's water supplies and water stability - and want to reinforce the comments made on page 44 regarding the need for County of Napa trucked water policies (referenced below.) Sadly, the County approves development on parcels with constrained water availability and often supports the use of trucked water as an option for business sustainability.

The County's Conservation Regulations clearly state that the priority use for groundwater is agriculture and rural residential. In essence, cities are to use surface water, unincorporated users are to rely upon groundwater. But when potable water is used to sustain agricultural operations (vineyards or winery operations) in non-emergency situations, the lines are blurred between rural and urban uses. When looked at from a broader perspective questions like "Should the cities have access to groundwater in a severe emergency?" can be addressed.

Many thanks, Eve Kahn
Alternate Napa Public LAFCO Commissioner

*Six agencies make water available at truck filling stations for use outside of the agency's boundaries. Based on the exceptions outlined for Government Code §56133 for nonpotable or nontreated water or the provision of surplus water to agricultural lands and facilities, these agencies are not required to seek LAFCO approval to provide this service outside of jurisdictional bounds. However, provision of trucked water without limitations has the potential to promote development and growth in unincorporated areas where water supply is not sustainable and may adversely affect agricultural uses. Of the six providers that make water available for hauling, only Napa Sanitation District has adopted policies that clearly define the priority of use of trucked water. **It is recommended that approved uses and locations for trucking of water be defined in each City's municipal code. In addition, the County should establish policy for approved uses and locations of transported water to manage the use of trucked water in the unincorporated areas.***

On Jul 13, 2020, at 12:56 AM, <franzi@sonic.net> <franzi@sonic.net> wrote:

Hello Jennifer Stephenson and Brendon Freeman

This comment is written for the water wastewater workshop

Living in Berryessa Estates is been a challenge for many of us, due to the rising water/sewer bill.

Our community is considered a low income community. Napa supervisors receiving millions of grant money because of this.

Money that was given to them to help our community. Not one cent of it was spent to do just that.

At the contrary the Napa supervisors spending all of it to fix a neglected water sewer system that our community cannot afford to maintain.

The Napa supervisors are well aware of this situation that more and more of us are loosing their homes because they can't afford to pay the water bill.

I pay @ \$600 per month for water/sewer charges.

Francis

From: Geoff Ellsworth <GEllsworth@cityofstheleena.org>
Sent: Monday, July 20, 2020 4:53 PM
To: Freeman, Brendon <bfreeman@napa.lafco.ca.gov>
Subject: On LAFCO MSR

These are a few comments from myself individually as Mayor of the City of St. Helena, not attached to the comments submitted by the City of St.Helena/St.Helena City Council. I very much appreciate this work and the included documents. I believe cross-referencing this work with the documents from the current Napa County GSA/GSPAC work, as well as the Napa County Drought Contingency Plan, will give an important and insightful overview to our countywide water management. I also think it important to recognize in the conversation the hydrogeological interconnectedness of surface water and groundwater.

Thank you,
Geoff Ellsworth
Mayor- St. Helena



INSTITUTE FOR CONSERVATION ADVOCACY RESEARCH AND EDUCATION
PO BOX 4256
NAPA, CA. 94558
cmalan1earth@gmail.com
icarenapa.org
707.322.8677

The Institute for Conservation Advocacy Research & Education, (ICARE) established in 2004, is a non profit community-based organization located in Napa County, California. ICARE's mission is to restore and conserve the biological integrity and ecosystems health of watersheds, the Napa River estuary and the greater San Francisco Bay Area through science-based advocacy, research and education.

July 19, 2020

Napa Local Agency Formation Commission
Jennifer Stephenson, Primary Consultant
Policy Consulting Associates, LLC. and Berkson Associates jennifer@pcateam.com

Re: Comments on the Napa Countywide Water and Wastewater Municipal Service Review,
Public Review Draft, and Public Comment

Ms. Stephenson, Commissioners;

Below are the comments of the Institute for Conservation, Advocacy, Research and Education ("ICARE").

Chapter 1.

Page 5, item 2: We recommend that any/all data information collected by agencies is not only readily available in a format that is easily interpretable, but completely public and are requesting written assurance that this will be the case.

Page 6, item 6: We recommend that any/all reporting requirements are also readily available and accessible to the public, and also request written assurance that this will be the case.

Chapter 3.

Page 17, item 7: It should be noted that the trend for greater urgency in developing groundwater storage and banking is not without controversy due to:

- the potential for mismanagement-powerful agricultural pumpers of groundwater are disproportionately positioned to take groundwater (drill deeper; pump harder and longer) for



their economic gain at the disadvantage of other users of groundwater such as rural residential or disadvantaged communities living off wells.

- concerns over ownership and privatization of this public trust resource, groundwater, and how this will harm disadvantaged communities
- adverse environmental impacts aka in the Sustainable Groundwater Management Act as, undesirable results: degraded surface and groundwater quality, salt water intrusion, de-watered streams, land subsidence, dry wells and dropping groundwater elevations.

Page 24: The statement that “there are currently no Napa County water bodies on the Environmental Protection Agency/EPA’s 303(d) list of impaired waters” is incorrect. The Environmental Protection Agency/EPA must list according Clean Water Act/CWA all waterbodies such as rivers, lakes and streams on the 303(d) list for development of programs to address the pollutant that is causing the listing so as to reduce the pollution. Napa County has several waterbodies listed on the 303(d) list: James Creek, Kimball Creek, Napa River, Lake Berryessa, Suisun Creek, and Ledge wood Creek.

For example:

The Napa River watershed is considered a biological ‘hot spot’ on the planet. In the Bear Creek tributary alone there is higher biodiversity (richness and distribution) of aquatic insects than in old growth forests which ICARE discovered in 2000-2006 after taxonomy of benthic macro-invertebrate/BMI, aquatic insects, sampling results. BMI are like the canary in the mine, as they are excellent water quality indicators. In the study of ichthyology, leading scientist are astounded, given the land use pressures in Napa County to convert natural habitats to monoculture wine grapes, that there is an amazing assemblage of intact communities of 16 native fish such as: steelhead, fall run Chinook, Pacific and river lamprey, hardhead, hitch, tule perch and Sacramento split tail. This rare Napa River community of fish assemblage is not seen throughout the Central Valley nor the Sierra streams, yet this assemblage is threatened more each year as more and more warm water species are taking over much of the Napa River watershed due to riparian area losses, habitat degradation and plummeting water quality.



There are three vegetation communities that provide the food and energy to this rich Napa River ecosystem: the coastal temperate rain forest to the west, the shrub/chaparrals and oak woodlands to the east. Historical ecology mapping proved that the valley floor historically was a mosaic of tidal marsh, fresh water marsh, vernal pools, lakes and numerous wetlands as the River flowed 55 miles south from the headwaters at Mt. St. Helena to the confluence of the Carquinez Straits comprising 426 square miles of a past flourishing and rich aquatic ecosystem.

The Napa River is the second major source of fresh water flows and biomass to the San Francisco Bay. This Bay estuary supports world wide commerce, recreation, beauty and most of all it is a vital aquatic ecosystem that supports the life cycle of important fish such as salmonids.

Coho salmon first rang the alarm bell for declining health of the Napa River when they were extirpated from this watershed in 1960 where once their numbers were 2-4,000. Coho are sensitive to temperature and water quality declines. As recently as 1940 Chinook had a decent run. Steelhead migrations were in the 6-8,000 fish but now only a few hundred Chinook and Steelhead successfully spawn. California Fresh Water Shrimp are still spotted in the upper reaches of the Napa River around Garnett Creek and Sulphur Creek had spotting in the early 2000, but their range has been significantly diminished due to habitat encroachment and degradation.

The Napa River is suffering rapid declining health due to pollution and over extraction of water for the development of vineyards and wineries. Flows have been diminishing since 1950 such that more than 1/2 of the streams now run dry during the warm months as vineyards vigorously pump groundwater and surface water for vines. Steelhead struggle for clean flowing water, as groundwater dependent ecosystems are in peril due to a steadily dropping groundwater levels throughout the Napa Valley.

The federal CWA, requires that all water bodies be listed as polluted if pollutants reach a numeric end point set by the State Regional Water Quality Control Boards (aka Water Boards) and know as Total Maximum Daily Load/TMDL. This is a powerful environmental law that citizens can use to force polluters to conform to limits of pollutants discharged to the waters of the State. The San Francisco Regional Water Quality Control Board/SFBRWQCB must develop an implementation plan to reduce any pollutant listed for the Napa River.

In 1988, the EPA along with the SFBRWQCB listed the Napa River for nutrient enrichment and again in 2016 for the tidal portion of the River. Nutrients from agricultural fertilizers flow off vineyards into the streams and the Napa River creating a super abundance of food for naturally occurring algae. With this huge supply of nutrients way beyond the natural nutrient levels supplied by nature, massive algae blooms occur. These algae blooms deplete oxygen in the water and can suddenly with little warning can form neurotoxins, which



may cause mortality to aquatic and terrestrial animals (including humans) that may drink it. Also, accelerated algae blooms, deplete oxygen from the water, causing additional mortality. Since 1988 hazardous and nuisance algae blooms have been occurring in Napa County water bodies wreaking havoc on municipal water supplies and postings to stay out of the water. In May of 2020 Lake Berryessa, eastern Napa County, reported a toxic algae bloom along with other reports on the western coastline of 17 sea lions stranded, ill and dying due to toxic algae which originated from nutrient (runoff from fertilizer) enrichment from the rivers and streams that flow into the Bay and then the ocean. Sometimes these harmful algae blooms of the ocean are known as the red tide. Outdated wastewater treatment plants (St. Helena and Calistoga, sewer reclamation) contribute significantly to the nutrient enrichment problem of the Napa River, Bay and ocean due to outdated infrastructure and broken pipes. In 2005, Lake Hennessy was plagued with harmful algae bloom and the City of Napa treated the lake with copper sulfate, in violation of the SFBRWQCB's Basin Plan for the San Francisco Bay. This warranted fines and a potential lawsuit was filed but was settled when the City of Napa agreed not to use copper sulfate in the future.

Current daily monitoring of harmful algae blooms state wide, by the State's Regional Water Boards, shows that all the Reservoirs in Napa are at risk of harmful algae blooms.

The San Francisco Bay is now at risk of high nutrient enrichment designated by the EPA in 2015, thereby putting a highly valued estuary in harms way of toxic algae blooms.

Also, the Napa River became listed on the 303(d) CWA list for sediment in 1990 where the major land use is converting thousands of acres/year from natural vegetation to vineyards. This conversion of natural vegetation, largely to a monoculture of wine row crops on steep slopes causes up to 256 tons/acre/year to erode into the Napa River hence San Francisco Bay destroying fish habitat along the way, warming the water and obstructing navigation for vessels. This is in comparison to natural background erosion of 3-6 tons/acre/year in pristine forests. Only recently, did the SFBRWQCB begin to regulate sediment pollution.

Additionally, in 2006 the SFRWQCB finally implemented a pathogen TMDL after 60 years of highly elevated harmful bacteria like, E-Coli and fecal Coliform, were repeatedly detected throughout the Napa River watershed since 1960. In 2017, monitoring shows that the Napa River still has high levels of harmful bacteria after 11 years of regulations of pathogens.

Land uses such as past mining, logging, landfills, urbanization, sewer plants and wineries continue to discharge pollutants to the near-by streams hence the Napa River to the San Francisco Bay Estuary. The discharge of pollutants from these land uses while they must comply with the Clean Water Act, with numeric limits of pollution permitted by regulatory agencies that issue permits to pollute, there are new TMDL listings such as in 2018 the Napa River was newly listed for: PCBs, legacy pesticides and mercury.



To date, the Napa River watershed continues to be impacted by serious water quality issues putting our public water supply at extreme risk. Over extraction of surface and ground water intensifies this pollution as contaminants are then in higher concentration as the amount of water in the watershed depletes due to over extraction of groundwater and too many pumping allocations of surface water. Combine this with climate change where droughts become more frequent and prolonged, our fresh water supply is in peril.

LAFCO would be remiss not to take a deep dive into the water quality problems and lack of availability of fresh water supply locally.

Page 33: While unincorporated areas of Napa County rely principally on groundwater resources and surface water collection and incorporated areas typically rely on local reservoirs and regional water providers, we recommend that all agencies using reservoirs behind dams for water supply are in regulatory compliance in their public trust duties to bypass for fish and wildlife pursuant to California Fish and Game Code Section 5937; if not, these dams remain vulnerable to litigation, whose expense should be anticipated and prepared in their respective plans and budgets. If municipalities became compliant with 5937, less water would be available for future development. The water is NOT all for agricultural pumpers and municipalities, as the streams must be healthy for fishing, swimming and recreation as dictated by the Public Trust Doctrine.

Page 51: An additional challenge to reorganization are those dams deemed risky and therefore, unsafe, by California's Division of Safety of Dams, as any updating and/or failure would affect rates, such as Milliken Dam at risk of failure due to stress fractures at the face of the dam, whereby Napa City Public Works signed an engineering contract with the Division of Dams and Safety several years ago to reduce the surface elevation of stored water behind the dam to try to lessen the stress on the cement surface of the dam. It has been determined by Division of Dams and Safety engineers that Milliken Dam could fail given an 8 Richter scale earthquake. This dam is on the 'watch list' of the State due to its degraded condition.

Chapter 5.

Page 126: Correction: "The City of Calistoga's water system has grown from a small municipal reservoir in Feige Canyon in the first half of the century...". The year was 1918, and the first half of the former century.

Page 127: Although Kimball Dam is categorized as a high-risk dam with high downstream hazards, a second, city owned and operated dam has not been included in this review: Feige Dam on Cyrus Creek is out of compliance with CFGC Section 5937 and remains vulnerable to litigation.



Page 133: The statement that, “Similar to the water system, most of the wastewater customers are residential” needs clarification. A large volume of used geothermal water utilized by municipal spas flows into the the City of Calistoga's Dunaweal Wastewater Treatment Plant. The method by which each spa's input has been calculated needs to be specified, i.e., whether one spa considered a single customer and single connection, whether customers/connections calculated by the number of rooms, etc.

Page 134: The statement that “Inputs to the sewer system are mainly domestic in origin and include residences, hotels, and geothermal spas” needs additional clarification as well since as restaurants, micro-breweries, and mineral water bottling companies that also discharge to the sanitary system are considered commercial in the review. Please clarify how commercial spas and hotels are considered residential.

Page 135: Correction: Following tertiary treatment, effluent from the Dunaweal WWTP is permitted to be discharged to the Napa River from Nov. 1 – June 15, and not Oct 1. – May 15. (Page 124 records the dates correctly.)

Pages 137 & 141: Correction: The dates of the Cease and Desist Orders (CDO) were 2010 and 2014, and were related to resolving effluent discharge requirements because of inadequate dilution to the Napa River and non-compliance with antimony, dichlorobromomethane, chlorobromomethane, and BOD limits.

Chapter 7.

Page 203: We inquired with the City of St. Helena for the distance from the Stonebridge Wells to Napa River, but did not receive benefit of an answer to our request.

ICARE has seen de-watering of the Napa River at the site of the St. Helena groundwater wells which are located near the riparian area of the Napa River. This is considered an undesirable results of excessive groundwater pumping according to the Sustainable Groundwater Management Act/SGMA which must be identified and regulations implemented to stop over pumping. When regulations are implemented by the newly formed Groundwater Sustainable Agency, St. Helena will need to reduce their groundwater pumping and be sustainable for future generations.



Page 205: We also requested the distance from a third well cited as being near the Napa River, but did not receive benefit of a reply.

Page 207: Of the City of St. Helena's 268 commercial water supply connections, please clarify how each inn, hotel, and other lodging facility are accounted for.

213: We inquired with the City of St. Helena as to the specifics of contaminants impairing the Stonebridge Wells originating with the sewer collection system, but did not receive benefit of a response.

216: We requested the communications from the State of California that support a Meadowood resort connection to the City's wastewater treatment system, but did not receive the benefit of a response. Because the Napa River continues to be impaired due to pathogens since 2006, it is the opinion of ICARE that the City of St. Helena should initiate a ban on new sewer connections to their wastewater treatment system. The ban should include Meadowood resort, until the wastewater treatment plant and other wastewater infrastructure upgrades and improvements are completed and approved by the SFBRWQCB. The City must demonstrate that their wastewater treatment systems are adequate so the public can be assured that future violations will not occur.

From: Leon Brauning <leon.brauning@yahoo.com>
Date: July 12, 2020 at 10:49:56 AM PDT
To: "jennifer@pcateam.com" <jennifer@pcateam.com>
Subject: Napa Water agencies
Reply-To: Leon Brauning <leon.brauning@yahoo.com>

Dear Ms. Stephenson:

As a citizen of Napa County for the past 40 years and a resident of the city of Napa for 25 of those years, I oppose any cooperative organization of municipal facilities that includes the city of American Canyon.

According to local news media articles over the years American Canyon has never seemed to have had adequate water, sewage disposal, schools, or traffic controls for its own town and citizens. But, they have kept building houses and growing businesses and industry for the past 25 years in the city as if they had an unlimited supply of facilities. Now they have approved the Watson Ranch housing development of approximately 1,200 new homes while the water supply and all other infrastructure seem tenuous.

Because of these issues I can't perceive what facilities American Canyon has to offer to this new county organization.

Respectfully,

Leon Brauning
(707)227-2812 (phone/text)

From: "mary_j_obrien@yahoo.com" <mary_j_obrien@yahoo.com>
Subject: **Napa County Water & Waste Water Study**
Date: July 13, 2020 at 5:19:28 AM PDT
To: "jennifer@pcateam.com" <jennifer@pcateam.com>
Reply-To: "mary_j_obrien@yahoo.com" <mary_j_obrien@yahoo.com>

Hello Jennifer,

I am a homeowner in Berryessa Estates, LBRID is our water provider. The quality of our water is so bad that I have not been able to drink it since I moved here July 2019. I have received two notices from LBRID in the past few months about our drinking waters high levels of Trihalomethanes above drinking water standards.....but supposedly it is "safe" to drink. Our water tastes like dirt or algae with a noticeable smell. I am billed \$600 every 2 months for water I can't drink and have reservations bathing in and giving to my animals. I realize the payments are this high due to the small amount of residents to spread it over, but for that amount of money the residents should be able to have CLEAN and SAFE water to drink for themselves and their animals.

I believe this is a problem that needs to be solved for our communities well being and health.

Thank you,

Mary O'Brien

Berryessa Estates

LAKE BERRYESSA
RESORT IMPROVEMENT DISTRICT

1195 Third Street, Suite 101
Napa, CA 94559-3092
Main: (707) 253-4351
Fax: (707) 253-4627



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia.

The Lake Berryessa Resort Improvement District Had Levels of Total Trihalomethanes Above the Drinking Water Standards in 2019

Our water system recently failed a drinking water standard. Although **this is not an emergency**, as our customers, you have the right to know what happened, what you should do, and what we are doing to correct this situation.

What happened?

We routinely sample our drinking water for the presence of drinking water contaminants. A sample collected in the third calendar quarter of 2019 showed that our system exceeds the standard, or the maximum contaminant level (MCL), for Total Trihalomethanes (TTHMs). TTHMs are a byproduct of chlorinating our drinking water. The MCL for TTHMs is 80 ug/L. The test result for the fourth quarter of 2019 - from October 2019 through December 2019 - was 110.00 ug/L, and with that result, the annual average TTHM concentration over the last year was 109.25 ug/L.

What should I do?

- **You do not need to use an alternative (e.g., bottled) water supply.**
- This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who drink water containing trihalomethanes in excess of the MCL over many years may experience liver, kidney, or central nervous system problems, and may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What is being done to correct the situation?

District staff instituted annual hydrant flushing of water mains in December 2015, reducing the amount of time treated water resides in the distribution system. Flushing for 2019 has been conducted frequently throughout the system, and multiple times in areas where turnover of water is slow. Storage tank level set points have also been changed to improve turnover.

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From: Patrick Gorman <gus.gorman.pg@gmail.com>
Sent: Wednesday, August 5, 2020 5:14 PM
To: jennifer@pcateam.com
Cc: Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; Freeman, Brendon <bfreeman@napa.lafco.ca.gov>; Napa2040 <napa2040@cityofnapa.org>
Subject: Napa Countywide Water & Waste Water Study

Jennifer,

Thank you for allow public comments on the Napa Countywide Water & Waste Water Study, blow are my notes

Page 21 - RECYCLED WATER

We must have a county wide goal for the re-use of this water. I would like to see it used at all the High school fields or parks within the city and county.

The City of St. Helena is considering implementing a recycled water program? They really must find a way to use this water.

In such a snmall county, we really need to form a county water agency or county water district. This would allow for costs to be shared across the whole county. 14 agencies can easy be bought under one house. That would allow for better prices when bidding projects!

--

Thank you
Pat Gorman
707-363-5412

From: Patricia Damery <damery17@icloud.com>
Subject: LAFCO Public Workshop, Public comment
Date: June 28, 2020 at 3:14:49 PM PDT
To: jennifer@pcateam.com

Dear LAFCO,

First, your suggestion of the formation of a county agency coordinating water security in Napa County is a critically important move as we face climate disruption and the real possibility of losing the water of the North Bay Aqueduct. I am in full support of coordinating the efforts of the forming Groundwater Sustainability Agency with the Drought Contingency Task Force, and troubleshooting in advance various emergency scenarios.

I want to address the issue of trucked-in water. Around our ranch, we've observed that water is being trucked regularly to many customers on Redwood and Dry Creek Roads.

In recent years, as more wells have been drilled, our well, once performing at about 40 gallons per minute, is, at best, 1.5 gallons per minute. On Redwood Road, after a neighbor drilled eight wells to supply a winery, several residents' wells have gone dry and they are now forced to truck water because they cannot afford to drill another well.

Still, vineyards and wineries are being permitted by the Napa Board of Supervisors and Planning Commission. These are properties with multiple, low-performing wells, approved, despite the fact that hydrologists have warned that additional newly drilled wells are almost certainly affecting other established Redwood Road wells and Redwood Creek flow.

When trucked water is not taken into consideration, a skewed perspective on water availability is perpetrated. Trucked water from Napa City is a source of revenue for the City, but in the event of severe drought and the possibility that the North Bay aqueduct does not deliver the water the municipalities in Napa County depend upon, the trucked water to these rural residences will also dry up.

Napa County does not require vineyards, wineries, or any businesses it permits, to live within the resources (water, sewage, etc) of the parcel share it is located. It does not require transparency of water usage via internet postings. Most importantly, transparency of trucked water usage is an essential piece of any resource evaluation of the property and parcel: Trucked water is an Indicator and an enabler of water overuse and the depletion of an area's resources.

Consider the following points:

- • 1. Groundwater is a public resource, and is not under the ownership of the parcel owner. It is a finite resource that must be shared, maintaining the viability of all parcels and permits using the same public resource. The county and the GSA must prioritize care of the water tables in the upstream of the water basin. The state of the hillside aquifers is a leading indicator of the health of the basin. If water sources upstream are sucked dry, that water basin is in trouble.
-
- Assessing and documenting the quantity of trucked water is critical knowledge. Trucking of water creates a false sense of abundance and adequacy. Water trucking is covering up the emergency that is already at hand. To the county, it looks like all is well because the city is supplying the water that is trucked. When the city has an emergency, the greater problem will be exposed.
 -
- This is a social justice issue. Many of the residents whose wells run dry and are forced into hauling water are often long time, older residents. They have been impacted by the excessive drilling of new wells near them and they cannot afford to another deeper well. Continued development in the hillsides means more wells drilled and more water extracted leading to two things: The neighbors adjacent to the developments are left high and dry, and the flow to the basin, where all those corporate straws are stuck, will also get depleted. We're already experiencing loss of water and hardship in the hillsides, as the county allows more and more vineyard, winery and large home developments.
-
- A county agency or department (such as what LAFCO has suggested) could and should monitor trucking of water. We also need our Board of Supervisors (who have appointed themselves as the members of the GSA) to direct the Planning Commission to consider the overall cumulative impacts of more drilling and water usage on the larger area in permitting and intensifying use of water before we end up in a position in which rural and municipal faucets are fighting with agricultural driplines. We are approaching that point now.

A quote from L.A. Times Journalist Mark Arax says it all. "All that pumping requires deep pocket. The small farmer who can't afford to keep chasing groundwater falls by the wayside. ...Water isn't the equalizer that the state and federal projects promised. Water is the means by which the valley has become one of the most unequal places on earth." He was speaking of the Central Valley, but this applies increasingly to Napa County as well.

Patricia Damery

Notes on the LAFCO report.

Roland Dumas, Ph.D.¹

The nature of the report

These notes are in reference to **The Napa Countywide Water and Wastewater Municipal Service Review, Public Review Draft**, dated May 18, 2020.

This LAFCO report is an audit. As such, it compares practices and performance of the various agencies against standards, regulations, and charters. It does this extremely well, impressively well as far as I can tell.

I was particularly impressed at the discussion of climate variability and change. The authors highlighted areas of uncertainty and the trends toward water availability being 'front loaded' in the season, as well as the correlation between state water supply and local sources. They went beyond the mission of an audit to point at these important factors in projecting water supplies.

Please add, request, challenge

My strong suggestion is that the document be expanded to address critical scenarios that are increasing in probability. The report is clear that climate change will impact water availability, and that we face increasing demand and less predictable supply, but it needs to go into scenarios in which the water supply is dramatically changed in a short period of time. LAFCO should either explore the scenarios or challenge the county agencies to develop and plan for them. We cannot be secure with agencies that are fulfilling their charters, but collectively unprepared for a future that looks nothing like its history. We cannot be secure if the most challenging recommendation is to consolidate water agencies into a county-wide agency. We need to plan for two classes of inevitable scenarios.

Uncertainty, improbability, and inevitable surprises

Seismologists like to say the improbable is inevitable. It is improbable that there will be an earthquake on the west coast that registers a 9 and causes historic damage. It's improbable on a year-by-year basis, that is. We also know that it is inevitable over a longer time frame. It could happen tomorrow or 40 years from now, but It's going to happen. We put it out of mind and out of planning, because in short time frames, it's pretty unlikely. We do code and build for earthquakes that register 5 and 6, because they are frequent enough that they are in our awareness. There is a class of events and conditions that we **know** will occur with some certainty, but effectively ignore. We have not planned for the combinations of events that lurk

¹ 3068 Soscol Ave, Napa CA 94558. radumas@servqual.com 415-412-9300

in the future, particularly events that have some correlation. That is, they are likely to occur in the same time period because they have common causes.

By way of example, let's start with the current situation, a pandemic. We'll set aside civil unrest for the moment and just consider the pandemic. We have (or had) frameworks and standards for addressing pandemics. We had early warning data gathering and analysis. We had protocols for responding and minimizing the social, health, and economic impact while vaccines are developed. We had communication protocols that were designed to be highly credible and gain high compliance. It was all in place and tested. We had trained people in place all across the country. Those practices, processes, and systems have been effective in recent times, even.

What did we not take into consideration? The breakdown in our own government. The plans didn't take into consideration that our own government would oppose and politicize science and health and fail to execute its own plans – actively fail by interfering with the process. Our planning didn't consider that we would take out scientists closest to the outbreak. We didn't plan on the failure being *us*.

An audit of the pandemic response processes would have come up as A+. In practice, it is a contentious D. We did not have plans for the correlation of pandemic and a failure of major political institutions.

When we look at the water report, there are failure scenarios within the information provided, and others that include factors that come in like asteroids from the outside. The A audit could easily become an F in execution with some improbable – and inevitable – scenarios.

Failures within the study's information

The report reflects the influences on water input: weather. It notes the La Niña and el Niño influences and global warming. It lists qualitative impacts of climate change (P16-17), but not a projection or estimate of the quantitative impact or the trends. I know it's risky to put numbers to things, particularly when they are not extrapolations from current patterns, but give it a shot. It could say that in the event of a drought, which has probability of x and going toward y , the state water will dry up and local supply will decrease by 25% and be front loaded in the season. They could speculate the conditions in which the state will turn off the spigot and show the probability of those conditions over time. They can include scenarios with probability ranges.

Suggestion: lay out some scenarios. This document gives the elements of scenarios, but doesn't built them.

For instance, a scenario might be that state water spigot is turned off completely and local supply is off by 50%. What happens in that scenario?

What about a scenario in which the front loading of water is so strong that it breaks parts of the infrastructure, and then severe drought sets in?

Look at some extreme cases with multiple failures and then play out how it impacts each stakeholder, including watersheds and fire responses. Such scenarios will impact each

municipality differently, and cause conflicts between stakeholders. Commons problems will occur. We should look for and plan for them, and consider what principles are at play.

Failures due to asteroids and other exogenous influences

Ok, asteroids are really extremely improbable, and would represent a game-over scenario, but there are scenarios that are just over the horizon, or perhaps lurking in that dark closet. They are not meteorological, hydrologic, etc. They may be in plain sight, but out of the purview of assessments.

The pandemic is an example, and should be considered a warning shot that a stressed process can become vulnerable to a failure in another system, or even trigger a failure in another system. Influences outside of the traditional modeling domain can exert sudden and dramatic influence on the capability of our systems. Human systems are not easily predicted, because humans are irrational. Political force exerted by economic interests can drive suboptimal decisions.

A prime example is seismic events. Earthquakes can damage infrastructure at moments when integrity of the infrastructure is critical. When I was young, a minor seismic fault with a series of minor quakes caused a municipal dam to fail and wash out a section of a neighborhood. I'm always conscious of what's built on fault lines.

Political events and trends are also a category of exogenous influences that can occur rapidly. Whether it is southern California laying a claim on delta water or a failure of the county's political system² to allow discussion of critical analyses, there are failure modes in systems that are not hydrologic that will impact our preparedness for water events.

Failures due to political constraints on knowledge are also a distinct possibility. Before the current pandemic, we couldn't imagine such a scenario, but we are now experiencing that force being a multiplier of the damage.

The county has an analogous political constraint, to wit:

The county has just established a Groundwater Sustainability Agency, after a contentious fight with the state Department of Water Resources. The first move of the county elected officials was to appoint themselves as the GSA, making the Agency a political body in one stroke, beholden to the political and economic interests that the elected officials represent. The elected politicians then were required to appoint an advisory board. They selected representatives from various water interests, but selected by the politicians, so the most aligned with the political interests that the supervisors could do with the applicant pool. The county supervisors, operating as the GSA, passed an "anti-lobbying" rule that prohibits advisors from communicating freely, thereby constraining knowledge.

² Of course, the GSA is not capable of discussing failures of elected political systems because the GSA is inhabited by the county board of supervisors, and therefore less interested in discussing their own blind spots, political dependencies, or objectivity.

The county officials had previously suppressed inquiry and discussion of modeling methods; the inquiry that was suppressed was how the modeling addressed the compound effect of multiple influences that had not been experienced before. That is, inquiry was suppressed into improbable and inevitable scenarios.

The LAFCo report needs to surface forces and issues like these that can have a material impact on planning for inevitable surprises³.

The request: offer or request

LAFCO should challenge the county to discover and address classes of events that represent interactions of forces within the agency responsibility and those from outside those responsibilities.

LAFCO should lay out the need for scenario planning using the “edge cases” for various contributors to water availability. LAFCO might list some ‘starter’ scenarios that should be considered and anticipated. A strong recommendation should be made to use the services of a qualified scenario planning consultant along with the traditional water-focused resources. The Global Business Network was the spin-off of SRI that was the home of scenario planning expertise. It has been acquired by a large consulting firm and many of the primary consultants spun off; they are easily found. (https://en.wikipedia.org/wiki/Global_Business_Network)

³ Schwartz, Peter. *Inevitable Surprises*. 2003, Gotham. New York.